



UT System Administration Policy Library -- Policy INT144  
**MULTIPLE STATE EMPLOYMENT**

**Responsible Officer:** Associate Vice Chancellor for Employee Benefits and Services

**Sponsoring Office:** Office of Employee Services

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**Last Reviewed:** November 23, 2009

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**Errors or changes to:** [policyoffice@utsystem.edu](mailto:policyoffice@utsystem.edu)

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## **POLICY STATEMENT**

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Employees of The University of Texas System Administration may be employed concurrently by other state agencies or institutions of higher education.

A person who is employed by more than one state agency or institution may not receive benefits from the state that exceed the benefits provided for one full-time employment.

For purposes of multiple employments, the institutions of UT System are considered separate institutions, which allow employees who work at more than one institution to be paid for all hours worked.

For purposes of the Fair Labor Standards Act (FLSA), state agencies and institutions are a single employer. Multiple employments of an employee who is subject to the overtime provisions of the FLSA should be avoided. If a non-exempt employee works more than 40 hours in a workweek in a multiple employment situation, payment must be made at the time and one-half rate.

Employees exempt from the overtime provisions of the FLSA may hold positions at two or more institutions for up to fifty hours (125% appointment) in a workweek. If the total hours appointed at the institutions exceed fifty, the Executive Vice Chancellor for Health Affairs or the Executive Vice Chancellor for Academic Affairs, as appropriate, shall review and approve the appointments. If an employee is employed for more than fifty hours per week at an academic institution and a health institution, both the Executive Vice Chancellor for Academic Affairs and the Executive Vice Chancellor for Health Affairs must approve the appointments.

An employee must inform his or her supervisor before accepting additional employment with another state agency or institution.

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## **RATIONALE**

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To provide for administration of multiple employment with the state. This policy does not address dual appointments of an employee at a single institution such as UT System Administration.

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## **SCOPE**

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All offices of UT System Administration.

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## WEBSITE ADDRESS FOR THIS POLICY

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<http://www.utsystem.edu/policy/policies/intx144.html>

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## RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

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UT System Administration Policies & Standards	Other Statutes, Policies & Standards
<ul style="list-style-type: none"><li>• <a href="#">INT113 – Fair Labor Standards Act – Overtime</a></li><li>• <a href="#">INT129 – Outside Employment</a></li></ul>	<ul style="list-style-type: none"><li>• <a href="#">Texas Government Code § 659.0411</a></li><li>• <a href="#">Texas Government Code § 659.124</a></li><li>• <a href="#">Texas Government Code Chapter 667</a></li><li>• <a href="#">Fair Labor Standards Act of 1938</a></li></ul>

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## CONTACTS

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If you have any questions about UT System Administration Policy INT 144, *Multiple State Employment*, contact the following offices:

Subject	Office Name	Telephone Number	Email/URL
Human Resources/ Employee Benefits	Office of Employee Services	512-499-4587	esc@utsystem.edu

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## **DEFINITIONS**

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None

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## **RESPONSIBILITIES**

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### **Employee**

- Informs his or her employing state agencies or institutions before accepting additional employment with another agency or institution.
- Submits a “Request for Outside Employment” to his or her supervisor before accepting outside employment.
- Chooses the insurance program of only one of the employing agencies or institutions.
- Maintains separate vacation and sick leave records for each employment.
- Reimburses the state for any multiple payments for longevity pay, insurance contributions or other payments that violate applicable law.

### **Department head**

- Approves or disapproves the employee’s request for outside employment.
- Notifies employee of the provisions of this policy.
- Notifies the Office of Employee Services of any excess hours worked by a non-exempt employee.

### **Executive Vice Chancellor for Academic Affairs or Health Affairs**

- Reviews and approves appointments of employees to two or more state agencies or institutions if the total hours appointed exceed fifty.

### **Employing agencies and/or institutions**

- Enters into necessary agreements designating which agency or institution will be the employee’s principal employer.
- Ensures the employee is compensated for any overtime hours.

### **Agency or institution chosen by employee to provide group insurance**

- Responsible for the entire state contribution to premium sharing, although arrangements may be made by interagency agreement to share the state’s contribution proportionally.

### **Office of Employee Services**

- Coordinates payments and accruals of benefits with other employing agencies or institutions.

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# PROCEDURES

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## **1. Request for and Notification of Outside Employment.**

- 1.1 Before accepting additional employment with another state agency or institution, an employee must notify each agency or institution and submit a “Request for Outside Employment” to his or her supervisor at UT System Administration. See [INT129, Outside Employment](#).
- 1.2 The employee’s supervisor will review and process the Request for Outside Employment, and forward the request to the department head for review.
- 1.3 The department head will forward the Request for Outside Employment to the Office of Employee Services.

## **2. Notification of Employee.**

The department head will ensure the employee is informed of the following:

- The employee may not receive benefits from the state that exceed those provided for one full-time employee.
- State service credit accrues for all purposes as if the employee had only one employment.
- Separate vacation and sick leave records, if eligible to accrue vacation and sick leave, must be maintained for each employment.
- Upon termination from one employment, the employee’s leave balances accrued under that employment may not be transferred to the remaining employment.
- The total state contribution toward the employee’s group insurance, if eligible, is limited to the amount specified for a full-time active employee. The employee must designate one of the employing agencies or institutions to carry the employee’s group insurance and to determine how premium payments are to be made and records kept. That agency or institution will be responsible for the entire state contribution to premium sharing, unless arrangements have been made by interagency agreement to share the state’s contribution proportionally.
- If the employee is subject to the overtime provisions of the FLSA, the employee will have all combined time worked in excess of forty hours per week considered as overtime.

## **3. Compliance with Applicable Law and Coordination of Multiple State Employment.**

- 3.1 The department head and Office of Employee Services will ensure compliance with applicable laws and policies, including those provisions in Section 2, above, and ensure appropriate coordination with other state agencies and institutions by which

the employee is employed.

**3.2** The state's contribution toward the employee's benefit replacement pay, if applicable, is subject to the overall individual limit.

**4. Interagency Agreements.**

**4.1** Agencies and institutions employing a person with multiple assignments will enter into necessary agreements designating which agency or institution will be the principal employer for the purpose of defining the person's employment as the total hours assigned to one agency or institution, or alternatively, the total hours the person is appointed by all agencies or institutions.

**4.2** The employing agencies and institutions must coordinate to ensure the employee is compensated for all time worked that exceeds forty hours per week. The employee agencies and institutions shall cooperate to determine which agency or institution is responsible for properly compensating the employee in accordance with the FLSA.

If an employee is eligible for overtime and more than 40 hours are worked in a workweek in a multiple employment situation, payment must be made at the time and one-half rate. If the employee has two (or more) different rates of pay and works overtime, the employee may be paid a time and one-half rate that is the weighted average hourly rate for both (all) jobs.

The department head must notify the Office of Employee Services of any excess hours worked by the employee, to assure that any overtime pay required is paid at an appropriate rate.

**4.3** A copy of any interagency agreement and the Request for Outside Employment will be forwarded to the Office of Employee Services for filing in the employee's personnel file.

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## **FORMS AND TOOLS / ONLINE PROCESSES**

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None

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## **APPENDIX**

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None

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Keywords: concurrent employment, 2nd job, second job, HR, human resources, joint employment

