

**1. Title**

Multiple State Employment

**2. Policy**

Sec. 1 Purpose. The purpose of this Policy is 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 The University of Texas System Administration.

Sec. 2 Policy Statement. Employees of the U. T. System Administration may be employed concurrently by other State agencies or institutions of higher education.

Sec. 3 Benefits. 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 employee.

Sec. 4 U. T. System Institutions. For purposes of multiple employments, the institutions of U. T. System are considered separate institutions, which allow employees who work at more than one institution to be paid for all hours worked.

Sec. 5 Nonexempt Employees. 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 nonexempt 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.

Sec. 6 Exempt Employees. Employees exempt from the overtime provisions of the FLSA may hold positions at two or more institutions for up to 50 hours (125% appointment) in a workweek. If the total hours appointed at the institutions exceed 50, 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 50 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.

Sec. 7 Notification Requirement. An employee must inform his or her supervisor before accepting additional employment with another State agency or institution.

Sec. 8 Request for and Notification of Outside Employment.

- 8.1 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" form to his or her supervisor at U. T. System Administration. See INT129, *Outside Employment*.
- 8.2 The employee's supervisor will review and process the Request for Outside Employment, and forward the request to the department head for review.
- 8.3 The department head will forward the Request for Outside Employment to the Office of Employee Services.

Sec. 9 Notification of Employee. The department head will ensure the employee is informed of the following:

- 9.1 The employee may not receive benefits from the State that exceed those provided for one full-time employee.
- 9.2 State service credit accrues for all purposes as if the employee had only one employment.
- 9.3 Separate vacation and sick leave records, if eligible to accrue vacation and sick leave, must be maintained for each employment.
- 9.4 Upon termination from one employment, the employee's leave balances accrued under that employment may not be transferred to the remaining employment.
- 9.5 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 an interagency agreement to share the State's contribution proportionally.
- 9.6 If the employee is subject to the overtime provisions of the FLSA, the employee will have all combined time worked in excess of 40 hours per week considered as overtime.

Sec. 10 Compliance with Applicable Law and Coordination of Multiple State Employment.

10.1 The department head and Office of Employee Services will ensure compliance with applicable laws and policies, including those provisions in Section 9, and ensure appropriate coordination with other State agencies and institutions by which the employee is employed.

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

Sec. 11 Interagency Agreements.

11.1 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.

11.2 The employing agencies and institutions must coordinate to ensure the employee is compensated for all time worked that exceeds 40 hours per week. The employing 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, the employee must be paid at a 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.

11.3 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.

**3. Definitions**

None

**4. Relevant Federal and State Statutes, Policies, and Standards**

[Texas Government Code Section 659.0411, Compensation: Appointments at State Institutions of Higher Education](#)

[Texas Government Code Section 659.124, Compensation: Amount of Benefit Replacement Pay for Higher Education Employees](#)

[Texas Government Code, Chapter 667, Multiple Employments with State Fair Labor Standards Act of 1938, As Amended](#)

**5. Relevant System Policies, Procedures, and Forms**

[INT113, Fair Labor Standards Act – Overtime](#)

[INT129, Outside Employment](#)

[Outside Employment Request Form](#)

**6. System Administration Office(s) Responsible for Policy**

The Office of Employee Services

**7. Dates Approved or Amended**

July 1, 2006

November 23, 2009

October 26, 2012