



# PIEDMONT TECHNICAL COLLEGE

## PROCEDURE

PROCEDURE NUMBER: 8-2-1000.1

PAGE: 1 of 9

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**TITLE:** Secondary/ Dual Employment

**RELATED POLICY AND PROCEDURES:** 8-2-1000 Secondary/Dual Employment

**DIVISION OF RESPONSIBILITY:** Business & Finance

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May 17, 2013

\_\_\_\_\_  
Date Approved by President

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Date of Last Review

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Date of Last Revision

### DISCLAIMER

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COLLEGE. THE COLLEGE RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

### **Administrative Responsibilities**

It is the responsibility of the Human Resources Director with the approval of the Vice President for Business and Finance to review and revise this procedure.

### **Definitions**

- A. Secondary (Dual) Employment**—A permanent State employee working for another state agency or their home state agency outside of their primary job duties and responsibilities and outside of their normal, regularly scheduled hours.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-2-1000.1**

**PAGE: 2 of 9**

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- B. Secondary Non-State Employment**—A State employee who is self-employed or working for private industry in addition to their primary state employment
- C. Faculty Teaching Overload**—Teaching faculty who are assigned more than a full teaching/workload (minimum 37.50 hours per week) during any term. The Teaching load may be for credit or non-credit courses, taught during the day or evening, on or off campus, and through alternate delivery methods Internet, web, etc.). The Vice President for Academic Affairs approves all overload compensation before payment is processed.

#### **General Terms and Conditions**

South Carolina Personnel Regulations (Section 19-702.09) provide for permanent employees to perform and be considered for compensation for secondary services provided for another state entity and/or their primary state employer.

Piedmont Technical College (PTC) defines Secondary (Dual) employment as any work performed for compensation by a permanent state employee outside his/her primary job duties and responsibilities and outside of normal, regularly scheduled work hours.

#### **A. Examples of Secondary (Dual) Employment**

Examples of Secondary (Dual) employment include, but are not limited to:

1. Permanent Piedmont Technical College employees accepting work at Piedmont Technical College.
2. Permanent Piedmont Technical College employees accepting work at other state agencies.
3. Permanent employees of other state agencies accepting work at Piedmont Technical College.
4. Permanent Piedmont Technical College employees desiring to engage in self-employment or secondary (dual) employment with an entity that is not a state agency.

#### **B. Piedmont Technical College Permanent Employment Applying for Secondary (Dual) Employment**

Permanent Piedmont Technical College employees may accept Secondary (Dual) employment provided that:

1. Their secondary work does not interfere with their primary work at Piedmont Technical College.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-2-1000.1**

**PAGE: 3 of 9**

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2. The secondary assignment is approved in advance by all required authorities.
3. There is no conflict of interest between their primary duties and responsibilities and secondary work..
4. The total compensation for secondary state employment in any fiscal year does not exceed 30 percent of the employee's base salary.

#### **C. Permanent Employees of Other State Agencies**

Permanent employees of other state agencies may accept Secondary (Dual) employment with Piedmont Technical College provided that all four conditions above are met. Acceptance without proper prior approval of work assignment and/or remuneration that is found to be a conflict of interest will be grounds for disciplinary action, up to and including termination.

### **Procedure**

#### **A. Secondary (Dual) State Employment Guidelines**

1. Non-exempt employees working under a Secondary (Dual) Employment Agreement are paid at their current hourly rate or an established rate for the work to be accomplished, whichever is higher, for all hours up to 40 per week. All hours over 40 per week must be compensated at the rate of time and ½ the established rate. This rule applies to all State, non-exempt, employees whether employed by Piedmont Technical College and other state agencies.
2. Since all faculty are classified as exempt salaried employees, they are not eligible for overtime consideration; they are paid on a per course basis and not at a specific rate per hour.
3. Secondary (Dual) employment is not be used to provide higher continuing salaries than those approved by the Budget and Control Board
4. An employee's primary work schedule is not normally being altered to allow time for Secondary (Dual) employment. Approval must be obtained in writing from the President/Vice President from the employee's home department before secondary employment commences. Failure to comply can result in disciplinary action.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-2-1000.1**

**PAGE: 4 of 9**

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5. To be compensated for services performed during regularly scheduled hours of work (including mealtimes and breaks), the employee must take annual leave or leave without pay. No employee of the South Carolina Technical College System (SCTCS) is to receive additional compensation from their primary or a secondary SCTCS employer while in any leave with pay status, including annual leave, faculty non-work days, state and/or college holidays, and compensatory leave. A detailed work schedule including lunches/breaks must accompany request for Secondary (Dual) employment.
6. Services performed for a primary employer outside of normally scheduled hours, may be considered for Secondary (Dual) employment provided the duties are independent of and in addition to the duties and overall responsibilities of the employee's primary position. These assignments are only considered when duties cannot be performed during an employee's normal work schedule, or suitable temporary employment cannot be arranged, or the services are temporary in nature.
7. No state employee may accept any work or remuneration that could be reasonably construed as a conflict of interest. Acceptance without proper prior approval that is found to be a conflict of interest will be grounds for disciplinary action or termination.
8. Permanent state employees serving on South Carolina state boards, commissions or committees for whom per diem allowance is to be awarded are not eligible to receive such per diem allowance.
9. Travel and subsistence paid to a permanent state employee by PTC or another secondary state agency is in compliance with the provisions of the annual appropriations act and any regulations promulgated by the Budget and Control Board or the Comptroller General's Office.
10. The maximum compensation for Secondary(Dual) employment that any permanent state employee may be authorized to earn for all secondary services performed during the fiscal year (July 1 through June 30) is not to exceed thirty percent (30%) of the employee's annualized salary.
11. No compensation is paid to any permanent state employee for secondary services rendered prior to the specific approval of the conditions and compensation for such services.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-2-1000.1**

**PAGE: 5 of 9**

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12. No permanent state employee is eligible for any additional fringe benefits as a result of Secondary (Dual) employment, including annual leave, sick leave, military leave, insurance, and holidays. Compensation for services is subject to such tax and retirement deductions as the current law allows.
13. Requests for Secondary (Dual) employment services by any state agency apply to only one specific Secondary (Dual) employment situation. Modifications to, or extensions of, approved requests are submitted to the primary employer for approval prior to payment by the secondary agency.
14. Secondary (Dual) employment agreements with any state agency are not to exceed a 180-day period and may not be approved beyond the end of the fiscal year.

#### **B. Requests for Secondary (Dual) State Employment Services**

1. Secondary and primary employers are responsible for determining the need for Secondary (Dual) employment services and appropriate compensation.
2. The secondary employer's designated representative is responsible for the preparation, internal/external communications, and processing of all requests for Secondary (Dual) employment.  
All requests contain the following information:
  - a. Official name of the secondary employer and the section/department in which the services are to be performed.
  - b. Employee's full name and social security or other identification number.
  - c. Complete description of the services to be performed, the actual beginning and ending dates, day(s) of week, time and total hours of services to be performed.
  - d. Current hourly rate, overtime rate and proposed hourly rate for non-exempt employees, total hours to be worked and gross compensation for total hours, travel and subsistence, if applicable.
  - e. Amount of compensation previously approved for the employee for other secondary services provided to the secondary employer during the current fiscal year.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER:** 8-2-1000.1

**PAGE:** 6 of 9

---

- f. Employee's signature.
  - g. Signature of the secondary employer's designated representative.
3. The primary employer's designated representative is responsible for the review of requests for Secondary (Dual) employment services, certification of all secondary compensation previously approved for the employee during the current fiscal year, obtaining all internal concurrences required to authorize the employee to provide the secondary services as requested, and responding to the secondary employer in a timely manner.
- The following information shall be provided to the secondary employer:
- a. Official name of the primary employer and the employee's primary employment section/department.
  - b. Employee's primary position classification title, class code, slot number, current annualized salary, normal scheduled days and hours of work.
  - c. Total amount of Secondary (Dual) employment compensation approved for the employee during the current fiscal year.
  - d. Authorization for the secondary employer to pay the employee travel and subsistence, if appropriate.
  - e. Whether the employee is required to take annual leave or leave without pay to perform the requested services.
  - f. Signature of the primary employer's designated representative authorizing the secondary employer to enter into this Secondary (Dual) employment arrangement.

### **C. Procedures for Implementing Secondary (Dual) State Employment**

- 1. Secondary (Dual) Employment of PTC Employees by PTC.
  - a. The employee first discusses the secondary work with his/her supervisor, gets their signature on Section I of the [Dual Employment Request Form](#), prior to approval by the Dean/Director, to ensure there is no conflict.
  - b. The requesting department then completes Section I of the Dual Employment Request Form (including required signatures), secures approval from the primary Dean/Director and/or Vice President, attaches copy of loading



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER:** 8-2-1000.1

**PAGE:** 7 of 9

---

summary and class schedule for faculty requests, and sends the forms to the Human Resources Manager for completion of Section II.

- c. This procedure is also to be followed for compensating faculty overload, according to PTC Policy 8-2-1030. Since all faculty are classified as exempt salaried employees, they are not eligible for overtime consideration; they are paid on a per course basis and not at a specific rate per hour.
2. Secondary (Dual) Employment of PTC Employees by another State Agency.
    - a. The requesting agency initiates its own form for Secondary (Dual) employment. The PTC employee's Dean/Director, and /or Vice President approves this employment before the secondary work begins.
    - b. Members of the College's faculty who are requesting approval to teach a course at another college, university, school or to engage in some other form of work related activity submits the [Dual Employment Request Form](#) to the Vice President for Academic Affairs at least 30 days prior to the beginning of PTC semester during which they will be providing services at the other college, university, school or employers.
    - c. These forms should be addressed to Human Resources for completion of primary employment information, verification that this and other fiscal year earnings for secondary State employment do not total more than 30 percent of the employee's base (annualized) salary, and coordination of approvals by the employee's Dean/Director, and /or Vice President.
    - d. As a general guideline, the requesting employee allows at least 15 working days for PTC's approval process to be fully completed.
  3. Secondary (Dual) Employment of Employees of Other State Agencies by PTC.
    - a. The requesting department completes Section I of the Dual Employment Request Form, including required signatures and sends the form to Human Resources Manager.
    - b. Human Resources Manager forwards the form to the Human Resources Office of the employee's primary agency for completion of Section II for approval.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER:** 8-2-1000.1

**PAGE:** 8 of 9

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- c. Since the approved form must be returned to PTC Human Resources Manager before any payment can be issued, the requesting employee may want to ensure that his/her primary agency treats the request expeditiously.

#### **D. Compensation for Secondary (Dual) State Employment**

1. PTC pays for Secondary (Dual) employment as services are provided, beginning on the last working day of the month following the actual time worked. Payments are divided into equal payments over the term of the agreement. If a PTC employee provides services to another state agency, that agency directly compensates the PTC employee.
2. If an employee provides services to a state agency prior to approval and the request is denied, there is no payment for services rendered. Disciplinary action may result if this occurs.
3. A requesting state agency is required to make payment of funds approved for and earned under secondary state employment within 45 days of the beginning of the employment.
4. To ensure the proper documentation of hours worked as a secondary employee, requesting supervisors are required to correctly reflect the hours worked each week. These hours are to reflect lunch breaks at either the thirty minute or one hour time frame.
5. The employee is required to update his/her personnel file to reflect all secondary employment prior to the start of the fiscal year and at any other time that his/her Secondary (Dual) employment alters.

#### **E. Secondary Non-State Employment and Self-Employment by Piedmont Technical College**

Employee's acceptance of additional employment of any kind must be approved by the local Executive Officer after the following determinations have been made:

1. The additional employment does not interfere with the employee's full-time assignment.
2. The additional employment could not be reasonably construed as a conflict of interest. Counsel from the Office of the Attorney General or the State Ethics Commission may be necessary to make such determination.





## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-2-1000.1**

**PAGE: 9 of 9**

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3. The additional employment is not to be performed during the employee's normally scheduled hours of work unless the employee is taking annual leave or leave without pay.
4. The additional employment is not with a State agency.

#### **F. Secondary (Dual) State Employment Approval Authority**

1. The Human Resources Manager is designated the approval authority for Secondary (Dual) employment request for employees of this College. Requests for employees from other agencies to perform secondary employment for PTC are processed through the Human Resources Manager.
2. Approved requests for Secondary (Dual) state employment are forwarded to payroll for processing. Disapproved requests are returned to the appropriate Dean/Director and/or Vice President. The reason for disapproval is clearly stated in the comments section of the Dual Employment Request Form. At no time is Secondary (Dual) employment to be allowed for multiple agencies during the same time period. In addition there are reasonable limits placed on any employee requesting to dual including but not limited to the number of dual hours to be worked, courses to be taught, days affected, etc.