University Policies and Procedures

07-01.05 - SECONDARY EMPLOYMENT FOR REGULAR NON-FACULTY EMPLOYEES

I. Purpose:

To state Towson University’s policy (Policy) relating to Secondary Employment and to establish procedures for the approval of Secondary Employment consistent with the Policy.

II. Policy:

Employees are responsible to perform competently and fully all duties related to their primary university employment. Other employment duties that interfere with an employee’s primary university employment or that create a conflict of interest are prohibited. Accordingly, Secondary Employment with the university will be permitted with the procedures set forth in this Policy.

III. General:

A. This Policy applies to Regular Exempt and Non-exempt employees only. The Associate Vice President of Human Resources or his/her designee is the university administrator authorized to approve the Secondary Employment requests on behalf of the university.

B. Departments may hire a Regular Exempt employee to fill a critical employment need if the policy guidelines are met and the total hours of the Secondary Employment do not exceed 20% of Exempt employees’ total hours for a workweek.

C. A full-time (FTE 100%) Non-exempt employee in a Secondary Employment is placed in an overtime status for all secondary hours worked. The Secondary Employment Department is responsible for all overtime costs. Secondary Employment for full time Regular Non-exempt employees will be permitted in emergency situations only.

D. The Secondary Employment Department is responsible for confirming with the Procurement Department that the employee is not being paid as a consultant or that the services being requested would be considered a procurement pursuant to the University System of Maryland (USM) policy VIII-3.00, Procurement Policies and Procedures.
E. Through the use of the “Secondary Employment Requisition and Certification” form, the Primary Employment Department is responsible for confirming that the Secondary Employment will not interfere with the performance of the employee’s primary duties and responsibilities nor will it interfere with the employee’s ability to fairly and impartially perform their primary duties. The Primary Employment Department is responsible for verifying that the employee records annual and/or personal leave on their timesheet if the Secondary Employment hours coincide with and/or overlap the normal working hours of the employee.

F. The Employee is responsible for confirming and agreeing to the information on the Secondary Employment Requisition and Certification form and is individually responsible for compliance with the State of Maryland Ethics Law. The employee is responsible for recording annual and/or personal leave on his/her timesheet if the Secondary Employment hours coincide with and/or overlap the normal working hours of the employee.

G. A Secondary Employment arrangement is not to be confused with a “Consulting” arrangement. The University will not hire its employees to perform paid consulting activities.

H. The Office of Human Resources (OHR) shall classify all Secondary Employment requests prior to the Secondary Employment Department engaging the services of the employee. An employer-employee relationship exists between the University and the employee performing the Secondary Employment.

I. A Secondary Employment arrangement is valid only after the Secondary Employment Agreement is completed and signed by the Employee, the Primary Employment and Secondary Employment Departments, the corresponding Vice Presidents and approved by the OHR.

J. The Provost’s office is responsible for Secondary Employment agreements that involve Regular and Part-time Faculty.

IV. Definitions:

A. Primary Employment – The regular duties and responsibilities assigned to the employee’s Position Identification Number (PIN) as more particularly set forth in the employee’s job description or as determined by the Office of Human Resources.

B. Secondary Employment – The performance of duties and responsibilities that are not assigned to the PIN. This definition also applies to Secondary Employment arrangements between the employee’s home institution and any other USM institution.
C. Primary Employment Department – The department for which the employee performs primary employment duties.

D. Secondary Employment Department – The department for which secondary employment services will be performed.

E. Regular Exempt Employees – Employees in a PIN who, based on duties performed and manner of compensation, are exempt from the Fair Labor Standards Act (FLSA) wage and overtime provisions. Regular Exempt employees are salaried and are required to fulfill their assigned duties regardless of hours worked.

F. Regular Non-exempt Employees – Employees in a PIN who, based on duties performed and manner of compensation, are subject to all FLSA wage and overtime provisions. An employee appointed to a per diem position shall be treated as a Non-exempt employee subject to FLSA minimum wage and overtime provisions. Non-exempt employees are required to account for time worked on an hourly and fractional hourly basis and are to be compensated as required by the FLSA for qualified overtime hours. Non-exempt titles are identified in the USM Non-exempt Job Classification structure.

V. **Responsible Executive and Office:**

   Responsible Executive:  Associate Vice President of Human Resources

   Responsible Office:  Office of Human Resources

VI. **Procedures:**

   A. Pre-Employment

      1. The Secondary Employment Department shall complete the “Secondary Employment Requisition and Certification” form and return it to OHR no later than three (3) weeks prior to the effective date of the Secondary Employment. The Primary Employment Department shall review the Secondary Employment request and certify that the Secondary Employment is not included among the employee’s primary duties. The requisition can be found on [http://www.towson.edu/hr/](http://www.towson.edu/hr/), under “Forms Repository”.

      2. All Secondary Employment requests other than those associated with part-time faculty shall be submitted to the OHR. OHR shall verify that the Secondary Employment does not involve duties that are among the employee’s Primary Employment duties. A copy of all approved Secondary Employment requests shall be sent to and filed in the employee’s personnel file.
3. Requests submitted to the OHR shall be reviewed and classified in accordance with USM VII-9.11 Policy on Pay Administration for Exempt Positions, USM VII-9.10 Policy on the Pay Program for Nonexempt Staff Employees, and the FLSA. Employees are required to meet the minimum qualifications of the function. If an employee’s primary employment is Non-Exempt, per FLSA regulations, the employee must be classified as Non-exempt in the secondary employment even if that position, standing alone, would be considered Exempt. While part-time regular Non-exempt employees are eligible for multiple contracts that do not exceed 100% FTE, no full-time Non-exempt employee shall routinely and/or consistently serve in a dual capacity as this places the employee in an overtime status for all secondary hours worked. Secondary Employment for full time regular Non-exempt personnel will be permitted only in emergency situations as determined by OHR.

4. The OHR shall notify the Secondary Employment Department whether or not the Secondary Employment Request is approved.

5. Upon receipt of approval, the Secondary Employment Department is responsible for completing and submitting to the OHR the “Secondary Employment Agreement,” which can be obtained from the OHR.

6. The employment paperwork associated with the Secondary Employment shall be processed by the OHR. Payment for services for the period indicated shall be posted as a “plus adjustment”. Assignments of this nature are not recorded as separate assignments. Employees approved for Secondary Employment shall not be placed on the contingent payroll.

7. Regular Exempt employees are required to use annual and/or personal leave for performing a Secondary Employment assignment if the secondary assignment hours coincide with and/or overlaps their normal working hours. The actual number of Secondary Employment hours worked shall be recorded as annual and/or personal leave on the employee’s timesheet. The comment section of the employee’s web timesheet shall reflect that the leave represents the Secondary Employment hours.

8. Regular Non-exempt employees whose Primary Employment FTE is 100% shall record Secondary Employment time on a Secondary Employment timesheet as overtime. Part-time regular Non-exempt employees are eligible for multiple assignments if the combined FTE totals for the assignments do not exceed 100%. In the event that the hours of the Secondary Employment coincides with and/or overlap the normal working hours of a Non-exempt employee, the Non-exempt employee is required to use annual and/or personal leave for performing
the Secondary Employment during regular work hours. The Secondary Employment Department is responsible for the payment of overtime hours. Secondary Employment Department shall contact the Office of Human Resources and Payroll to determine actual overtime hourly rates of pay.

9. The Secondary Employment Department shall be responsible for assuring that the Secondary Employee uses annual/personal leave for Secondary Employment performed during regular work hours.

B. Payment Method

1. Regular Exempt Employees

   a. Employees shall be paid a flat rate for the services performed. Flat rate forms can be obtained from Towson University’s Payroll Office or found on http://www.towson.edu/hr/, under “Forms Repository”.

   b. Employees who perform Non-exempt Secondary Employment shall be paid an hourly rate on the Secondary Employment timesheet.

2. Regular Non-Exempt Employees

   a. Employees who are approved for Secondary Employment shall be paid an hourly rate for the services performed. Regular Non-exempt Employees shall not be paid a flat rate for their services. All work must be tracked in terms of hours and paid according to an hourly rate.

   b. If the secondary assignment causes the employee to be in an overtime status (more than 40 hours worked per week), Towson University’s Payroll department will determine the appropriate weighted average overtime-hourly rate of pay, per FLSA guidelines. Overtime shall be charged to the secondary department.

C. Termination of Secondary Agreements

1. All Secondary Employment’s are at will and can be terminated at any time.

2. Prior to the completion of the employee’s Secondary Employment the Secondary Employment Department is responsible for submitting to the OHR an Employment Separation Form.
3. The OHR will process the separation and terminate the assignment.

**Related Policies:**

USM policy VIII-3.00, Procurement Policies and Procedures

USM policy VII-9.11, Policy on Pay Administration for Exempt Positions

USM policy VII-9.10, Policy on the Pay Program for Nonexempt Staff Employees

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