

## Appendix C: Proposed Revised PPP-07: Outside Employment, Dual Service, Extra Compensation and Overload

Policy Name: Outside Employment, Dual Service, Extra Compensation, and Overload

### PURPOSE

Consistent with [TBR Policy 5:01:05:00](#) *Outside Employment and Extra Compensation*, this policy sets forth general provisions to cover the circumstances and limitations under which outside employment and/or extra compensation may be appropriate. The following distinct areas are addressed: Outside Employment, Dual Service, Extra Compensation, and Overload.

### INTRODUCTION

This policy applies to regular employees. The term “regular employees” refers those who are employed on a continuous basis (refer to PPP-02 *Employment Classification*). Employment with East Tennessee State University (ETSU) demands an individual's professional expertise, commitment, and energies. For faculty members, the workload assignment including teaching, research, service, and/or administration constitutes an employee's assignment. For professional/administrative staff members, the job description provides the parameters of the employee's assignment.

### APPLICABILITY

- A. As defined herein, this policy does *not* apply:
  1. to clerical and support staff (nonexempt) employees unless the employee is performing a higher level duty on a short-term basis with prior approval granted by the Office of Human Resources;
  2. when work is performed outside the terms of an employee's employment contract period (i.e., summer months for academic year contracted employees) or while the employee is on approved annual leave;
  3. to salaries paid to academic year faculty for teaching in intersession and summer sessions which are not considered extra compensation. See [TBR Policy 5:02:04:10](#) *Faculty Compensation during Summer Session and Intersessions*. See further guidelines regarding earning limitations for extra compensation under Extra Compensation Guidelines within this policy;
  4. to normal, short-term professional activities such as participation in symposia, accreditation visits, speaking engagements, exhibitions or recitals even though honoraria may be received for such participation.
- B. Outside employment must not create a conflict of interest or interfere with a commitment to the employee's University duties and responsibilities (refer to [TBR Conflict of Interest Policy 1:02:03:10](#)).
- C. On at least an annual basis, outside employment, dual service, extra compensation, and overload agreements will be reviewed by employees and their supervisors to assure accuracy and update as necessary.

## OUTSIDE EMPLOYMENT

### INTRODUCTION

Pursuant to [TBR Policy 5:01:05:00](#), Outside Employment is reflected in this section of the policy.

ETSU recognizes the value to its students, its personnel, and the citizens of Tennessee arising from external activities in which members of faculty, administrators and staff may engage. Such activity contributes to the quality of instruction, enhances the competency of the individual, contributes to the economic development of the state, promotes fuller utilization of the University's capabilities to assist society in meeting its needs, aids in recruitment and placement of students, and brings credit to the institution. These activities also create valuable links between the University and the surrounding community.

The employee must at all times place his/her primary emphasis on contributing to the University's mission and be prepared to forego any external activities when they interfere or conflict with assigned duties. See [TBR Policy 1:02:03:10](#) *Conflict of Interest*. All outside professional activities for which there is remuneration must be disclosed by the employee to his/her supervisor. Where this policy applies, the activity must also be approved as provided below.

### DEFINITION

Outside Employment: Work provided to external employers or through external contracts that University employees assume outside their normal work assignment. Self-employment is considered to be outside employment.

### OUTSIDE EMPLOYMENT APPROVAL

- A. Requests concerning outside employment are approved only for efforts that:
  1. are performed entirely outside of, and in addition to, normal work schedules, assignments, and responsibilities of the employee's position;
  2. do not interfere with the employee's assigned duties and responsibilities or with regular University operations;
  3. do not constitute a conflict of interest or compete with the University's education, research, or public service programs;
  4. require only a reasonable time commitment from the employee;
  5. are not undertaken with an inappropriate claim that the employee is officially representing the University in connection with the employment;
  6. are consistent with TBR and ETSU policies and guidelines and with state laws.
- B. The Process: Prior to engaging in outside employment, the employee must obtain written approval.
  1. The employee shall begin the process by notifying his/her direct report department chairperson or administrative head ("supervisor") of the nature of the outside employment and the expected commitment of time.
  2. The supervisor will determine whether such activity would interfere, conflict, or compete with the employee's assigned duties or responsibilities to the department and

- the University per TBR *Conflict of Interest* Policy 1:02:03:10, will approve or disapprove the request, and provide a basis for his/her decision.
3. The supervisor will forward to his/her direct supervisor (Academic Dean or appropriate Vice President) for final approval.
  4. In the case of a faculty member, the Academic Dean will review the request, indicate approval or disapproval (with explanation) and return to the employee and his/her direct supervisor for records. In the case of an administrative/professional staff member, the “next level” supervisor will follow the above procedure.

#### USE OF UNIVERSITY PROPERTY OR FACILITIES

University property and facilities, e.g., offices, equipment, telephones, computers, etc., may not be used in outside employment unless the use has been approved in advance. Requests for use of campus property or facilities must be as set forth in [ETSU Policy on Use of Campus Property and Facilities](#). If such arrangements are approved, compensation to the University may be required at rates established by the University.

#### DUAL SERVICE

##### INTRODUCTION

Pursuant to [TBR Policy 5:01:05:00](#), Dual Service is reflected in this section of the policy.

##### DEFINITION

Dual Services: An arrangement whereby an institution in the TBR or UT system or any agency of state government desires to procure the services of an employee of another institution or state agency, or to provide the services of one of its employees to other institutions or state agencies.

When a faculty or staff member at the University performs services for another institution in the TBR system, the University of Tennessee, or for another state agency, a *Dual Services Agreement* must be executed pursuant to [TBR Guideline G030](#). The procuring party is responsible for the initiation of the [Dual Services Agreement](#).

Upon completion of the services, the agency/institution providing the employee will bill the contracting agency/institution for the gross cost of the employee's compensation and benefits.

#### EXTRA COMPENSATION

##### INTRODUCTION

Pursuant to [TBR Policy 5:01:05:00](#), Extra Compensation is reflected in this section of the policy.

Under certain circumstances regular faculty and administrative/professional staff may need to perform additional assignments for which extra compensation may be warranted.

##### DEFINITION

Extra Compensation: Payment by the University for work that is performed on behalf of the University and is not within the scope of the employee's standard work duties (within or outside of the employee's

assigned unit). Extra compensation is not intended for those regularly scheduled, recurring activities which should be planned and budgeted as a regular part of the workload.

#### EXTRA COMPENSATION LIMITATIONS

- A. Faculty and staff may earn an unlimited amount of Extra Compensation during the contract year except that regular faculty may teach no more than two credit courses per semester for extra compensation or exceed 15 clock hours per week or 400 clock hours per nine-month period for extra pay. See [TCA 49-5-410](#).
- B. See [TBR Policy 5:02:04:10](#) *Faculty Compensation during Summer Session and Intersessions* for limitations for academic year faculty during summer session.
- C. The minimum rates per credit hour of instruction, as articulated in [TBR Guideline P-055](#) *Faculty Compensation for Teaching Credit Courses as an Overload*, must be applied when calculating compensation for extra service for fulltime faculty or staff teaching credit courses.
- D. Intra-institutional consulting by ETSU faculty members is assumed to be undertaken as a university obligation requiring no additional compensation. Only in unusual cases when consultation is across departmental lines and the work performed by the consultant is clearly outside of the scope of their academic appointment and in addition to his/her regular departmental load will additional pay be allowed and only when such consulting arrangements are specifically budgeted for in the proposal and approved in writing by the sponsoring agency. In all cases, the request and nature of the additional pay (summer salary or intra-institutional consulting) must be allowed by sponsoring agency. ([OMB Uniform Guidance 200.430](#))

#### EXTRA COMPENSATION APPROVAL

- A. Extra compensation may be approved only for efforts that:
  1. are performed in addition to normal assignments and responsibilities of the position;
  2. do not interfere with assigned duties and responsibilities or with regular University operations;
  3. are consistent with TBR and ETSU policies and guidelines and with state law.
- B. The Process: The process for request and approval may be initiated by the faculty/staff member ("Employee") or the department chair/administrative head ("Funding Supervisor" and/or "Direct Supervisor"). Note that additional duties/assignments *may occur within or outside of the employee's assigned unit* (i.e., department, office) and in such cases the Funding Supervisor will be different than the Direct Supervisor.
  1. Employee and Funding Supervisor/Direct Supervisor discuss the following:
    - i. nature of the additional duties/assignments;
    - ii. expectations of time commitment in addition to normal duties and duration;
    - iii. payment amount, frequency of payment, whether or not funding is to be supported by a grant.
  2. The Direct Supervisor makes a determination as to whether such activity would interfere, conflict, or compete with the individual's assigned duties or responsibilities. If the extra assignment is external to the employee's home department, the employee must discuss the nature of the assignment with his/her Direct Supervisor for approval of additional duties/assignments prior to further action.

3. The Funding Supervisor initiates the approval/payment approval process.
  - i. If funding is through a grant, the request must be reviewed by ORSPA.
  - ii. If funding is through department/office, the Funding Supervisor must assure funding is available in the appropriate budget line.

#### OVERLOAD ASSIGNMENTS

Pursuant to [TBR Policy 5:01:05:00](#), Overload is reflected in this section of the policy.

#### DEFINITION

Overload: Overload compensation is monetary remuneration, other than administrative supplement, paid to a faculty member for instruction in excess of full-time effort for institutional-funded activities.

Faculty acceptance of overload assignments, for instruction or other purposes, is strictly voluntary. Overload assignments should not be employed on a regular basis or in lieu of hiring qualified faculty or instructors. Supervisors must be careful to protect untenured faculty when making overload assignments and should make every effort to distribute overloads fairly as staffing needs allow. Compensation for Overload assignments is articulated in a separate policy: TBR P-055 – *Faculty Compensation for Teaching Courses as an Overload*.