

Policies of the University of North Texas Health Science Center	Chapter 05 Human Resources
05.506 OUTSIDE EMPLOYMENT & OTHER ACTIVITIES	

Policy Statement.

The University of North Texas Health Science Center recognizes the common practice of faculty and staff members to hold some form of other outside employment or position due to needs, interest, or development. However, dual employment, interests, and activities must not interfere or conflict with the faculty or staff member's position with the health science center.

Application of Policy.

Faculty and Staff

Definitions. None

Procedures and Responsibilities.

Procedure / Duty

1. **Approval:** Prior administrative approval from the President or Vice President generally is not required; however, outside employment, whether compensated or not, must be reported, timely and in writing, to the department official who has the responsibility for determining whether or not the outside employment interferes or conflicts with the faculty or staff member's position with the health science center (i.e., Department Chairperson, Director, or Dean, unless otherwise directed by the Vice President or the President). Should it be determined that a conflict exists, the faculty or staff member may not accept or continue the outside employment or position. In such cases, if the faculty or staff member accepts the other employment anyway or does not resign the other employment voluntarily, the department official may recommend other action, including discharge, to ensure that health science center duties are performed properly.
2. Prior administrative approval is required for a faculty or staff member to hold elective or other non-elective offices or positions of honor, trust, or profit with any governmental entity (see Section 4 below).¹ In such cases, the President is authorized by the Board of Regents to find and determine whether such employment or position held or sought by any faculty or staff member would be in conflict with the individual's position with the health science center.²

Responsible Party

Faculty/Staff
Member
Department
Official

Faculty/Staff
President

Prior to the President accepting an invitation to serve in an additional state or federal non-elective office, the Board of Regents must determine if the guidelines listed below are met.

3. **Guidelines:** All dual employment by any faculty or staff member of the University of North Texas Health Science Center is prohibited unless it meets the following guidelines:
 - a.) That it does not interfere with the regular work of the employee;
 - b.) That it involves only a reasonable amount of time, involvement, and duration;
 - c.) That it avoids competition with legitimate private enterprises;
 - d.) That the official capacity or connection of the employee is not used in connection with such outside employment;
 - e.) That it does not conflict with any law or constitutional provision, nor possess a reasonable potential for such a conflict. This policy shall not be interpreted as prohibiting an employee's First Amendment Rights of free speech and association except as specifically permitted by Federal law.

 4. **General:**
 - a.) Other employment and activities for a faculty and staff member that are directly related to the professional activities of the individual and contribute to the general welfare of the health science center are permissible provided such employment meets the guidelines in item 3 above. Such consulting, professional performance, and other outside employment and activities by a faculty member should contribute to his/her performance as a teacher and as a productive scholar, and should contribute to the individual's and the health science center's obligation of public service.
 - b.) Faculty or staff members may hold other non-elective offices or positions of honor, trust, or profit with any governmental entity as provided by Article 62529a, Section 1, Vernon's Texas Civil Statutes, subject to prior administrative approval by the President.
- Faculty/Staff
Member
Department
Official
- Human Resources
Staff

- c.) Faculty or staff members may serve as members of the governing bodies of school districts, cities, towns, or other governmental districts; provided, however, that they receive no salary for serving as members of such governing bodies, subject to prior administrative approval by the President.³
 - d.) The use of health science center equipment or facilities in connection with outside employment or activities by members of faculty and staff is prohibited except in cases where such use is clearly justified and is approved in writing by the President through normal administrative channels.
5. **Multiple Employment with the State:**⁴ Multiple employment with the health science center and with another State agency or institution must be reported to Human Resource Services by the faculty or staff member before the person becomes employed by the other state agency so that steps may be taken to maintain personnel and leave records in compliance with the following provisions.
- a.) Complete, separate leave records will be maintained for each employment;
 - b.) Time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for the other position;
 - c.) Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment;
 - d.) The State contribution toward social security tax liability may not exceed the overall limit specified by State law;
 - e.) The employee will be entitled to receive longevity payment for no more than one employment;
 - f.) Overtime compensation will accrue to each employment totally independent of the other except that when an employee works in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Secs. 201 et. seq., (F.L.S.A.) in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the

employee in accordance with the F.L.S.A. provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions.

- g.) Total State contribution toward the employee's group insurance is limited to the amount specified for a full-time active employee.

References and Cross-references.

¹ Texas Government Code, § 574.001 and Texas Constitution, Article 16, §§ 33, 40

² Board of Regents Resolution, RE: Outside Employment, February 28, 1975.

³ Texas Government Code, § 574.001 and Texas Constitution, Article 16, §§ 33, 40

⁴ Texas Government Code, § 666

Forms and Tools.

None

Approved: 9/1/2006

Effective: 9/1/2006

Revised: