
Subject: Additional/Outside Employment Policy for Salaried Classified and University Staff

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1. Purpose

The purpose of this policy is to document university policy regarding additional employment within the university and outside the university for salaried classified and university staff employees. Additional employment refers to any paid employment outside the employee's normal responsibilities of his/her salaried university position.

2. Policy

Prior to accepting additional employment, and annually thereafter for continuing employment, salaried full- and part-time classified and university staff employees must submit a completed P-36 form, *Request for Additional/Outside Employment form* (<https://hrapps.hr.vt.edu/resourceguide/docstable/index.aspx>), to the department head for review. The request must include a description of the activities or job responsibilities in the proposed employment. Approval for permission to work outside the normal work schedule within or outside the university may be granted at the department head's discretion.

Full-time classified and university staff employees may work for the university outside of the normal work schedule on a wage basis in positions that are occasional and sporadic, for example as a game-day parking attendant. Part-time salaried employees may accept a wage position within the university. However, the total work hours for a part-time salaried employee may not exceed 40 hours per week on a regular basis; 29 hours if their part-time salaried position does not include health insurance. Over-time pay resulting from the additional wage position is the responsibility of the department creating the over-time work.

For all non-exempt employees, additional Virginia Tech employment beyond 40 hours per week will be reviewed to determine overtime implications in accordance with requirements of the *Fair Labor Standards Act*. Classified and university staff employees must use approved annual or compensatory time if the additional work, either for Virginia Tech or an outside entity, occurs during the normal work schedule of the employee's regular full-time or part-time salaried position.

See University Policy 4071, Policy for Staff Employed to Teach For-Credit Courses (<http://www.policies.vt.edu/4071.pdf>), for classified and university staff members teaching for-credit courses.

Some outside employment may pose a conflict of commitment, thereby compromising the employee's effectiveness in his or her primary role with Virginia Tech. The department head will determine if the additional employment may adversely affect the employee's performance in the university salaried position and therefore should not be approved. If the request is granted and job performance subsequently deteriorates, the department head may rescind approval for the outside/additional employment. Supervisors should contact Human Resources for guidance concerning performance issues.

Certain outside employment opportunities or a business ownership interest may pose a real or perceived conflict of interest. For example, employees may not accept employment with a firm or agency that is in competition with the university for providing goods or services without full disclosure and explicit advance approval as required by Policy 13010, Individual Conflicts of Interest and Commitment (<http://www.policies.vt.edu/13010.pdf>). Outside businesses owned by the employee or by a member of the employee's immediate family may also pose a conflict if that business intends to sell a product or service to a university entity. This is explicitly prohibited by state law and is intended to prevent an employee from receiving personal benefit for themselves or their family as a result of university employment. Department heads should bring any requests for outside employment with the potential for conflict of interest to the attention of University Legal Counsel so that the request may be assessed in relation to the *Virginia State and Local Government Conflict of Interest Act, 2.2-3100 et seq.* Further guidance on conflicts of interest and commitment is available in Policy 13010, the Faculty Handbook (http://www.provost.vt.edu/faculty_handbook/faculty_handbook.html), and on the Research Policies and Procedures website (<https://www.research.vt.edu/research-policies-procedures>).

3. Procedures

Employees requesting approval for outside or additional Virginia Tech employment should complete the required P-36 form, *Request for Additional/Outside Employment for Classified or University Staff*, (<https://hrapps.hr.vt.edu/resourceguide/docstable/index.aspx>), available on the Human Resources website, and submit the form to their supervisor and department head. The request must be submitted in advance and approved by the home department head in consultation with Human Resources and/or University Legal Counsel as needed. The approved form with original signatures should be kept in the departmental personnel file, and a copy should be given to the employee. If the outside or additional employment continues beyond the current fiscal year, a new form must be submitted annually for the subsequent year.

In the case of additional Virginia Tech employment, copies of the approved form should be sent to the hiring department for the additional employment ("secondary" department) and to Payroll for documentation of approval of the second job. The secondary department enters a wage action for the employee in Banner using the appropriate rate of pay determined in consultation with Human Resources. Non-exempt employees will be paid for the additional work beyond 40 hours per week at a rate of time and one half if applicable. However, overtime pay will be charged to the department of the primary appointment. The secondary department is responsible for these costs and must make a budget transfer to reimburse the home department for the relevant overtime pay.

4. Definitions

Additional Employment - Any work performed for payment inside or outside the university other than primary salaried employment.

Classified Employees or Classified Staff - Employees who are covered by the Virginia Personnel Act and the policies and procedures established by the Virginia Department of Human Resource Management.

Conflict of Commitment – This arises when the external activities of an employee are so demanding of time, attention, or focus that they interfere with the individual's responsibilities to the university.

Non-Exempt Position - A position that is subject to the provisions of the Fair Labor Standards Act. **Non-exempt employees** must be paid overtime at a rate of time and a half for additional hours worked over 40 hours per week when the additional work is the same as or similar to their normal responsibilities. Contact Human Resources to determine the status of the employee (exempt or non-exempt) and whether overtime pay is required for the proposed additional work.

University Staff – Salaried non-faculty employees who are covered by university Human Resources policies and benefits.

5. References

Virginia Tech, Human Resources Forms Library

<https://hrapps.hr.vt.edu/resourceguide/docstable/index.aspx>

Virginia Tech, University Policy 4071, Policy for Staff Employed to Teach For-Credit Courses

<http://www.policies.vt.edu/4071.pdf>

Virginia Tech, University Policy 4320, Guidelines for the Fair Labor Standards Act

<http://www.policies.vt.edu/4320.pdf>

Virginia Tech, University Policy 13010, Individual Conflicts of Interest and Commitment

<http://www.policies.vt.edu/13010.pdf>

Virginia Department of Human Resource Management, Policy 1.60, Standards of Conduct

http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2

Virginia State and Local Government Conflict of Interest Act, 2.2-3100 et seq.

<http://law.lis.virginia.gov/vacodepopularnames/state-and-local-government-conflict-of-interests-act>

United States Department of Labor, Fair Labor Standards Act, Overtime Provisions

https://www.dol.gov/whd/overtime/applicable_laws.htm

6. Approval and Revisions

Approved July 31, 1991, by Executive Vice President and Chief Business Officer, Minnis Ridenour.

- Revision 1

Addition of headers to clarify content under 3.0 Procedures.

Section 3.4. Clarification of which department pays the overtime under the Human Resources Information System (HRIS) and how this can be changed.

Approved January 22, 1999, by Executive Vice President, Minnis E. Ridenour.

- Revision 2

Reorganized existing material by moving sections on conflict of interest, effect on job performance, occasional and sporadic additional employment, and wage employment resulting in overtime from “procedures” to “policy” to reflect importance of content.

Added references to university staff in addition to classified staff.

Added requirement that request for approval of outside or additional employment of any kind be submitted in writing to the department head using appropriate form(s). Previously, the requirement applied only to employment that was questionable as to conflict of interest.

Updated procedures and references to overtime pay for additional Virginia Tech work for non-exempt employees.

Updated and expanded definitions and references, particularly those related to conflict of interest.

Approved August 9, 2012 by Vice President for Administrative Services, Sherwood G. Wilson.

Policy effective date: August 10, 2012

- Revision 3

Updates to titles, department names, and references.

Added weekly hour limit for part-time non-benefitted employees.

Approved January 6, 2017 by Vice President for Administration, Sherwood G. Wilson.