

**THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN**  
**OFFICE OF HUMAN RESOURCES**  
***POLICY AND PROCEDURES MEMORANDUM***

**MULTIPLE STATE EMPLOYMENT**

**DATE:** July 1, 2006

**1. PURPOSE**

The purpose of this policy is to provide for administration of multiple employment with the state. This policy does not address dual appointments of an employee at The University of Texas System of the Permian Basin.

**2. POLICY**

Employees of The University of Texas of the Permian Basin may be employed concurrently by other state agencies or institutions.

The *Texas Government Code* sets forth certain provisions pertaining to multiple employment with the State of Texas which are enumerated in this policy memorandum.

A person who is employed by more than one state agency or institution of higher education may not receive benefits from the state that exceed those provided for one full-time employee. The individual who has more than one job with the state is subject to the following provisions and must be informed of them before employment by more than one agency or institution:

Separate vacation and sick leave records must be maintained for each employment.

Upon termination from one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.

The employee accrues state service credit for all purposes as if he or she had only one employment.

The state's contribution toward the employee's benefit replacement pay, if applicable, will be subject to the overall individual limit.

The total state contribution toward an employee's group insurance is limited to the amount specified for a full-time active employee. The employee may choose the insurance program of only one of the employing entities. That entity will be responsible for the entire state contribution to premium sharing, however, arrangements can be made by interagency agreement to share the state's contribution proportionally.

Situations of multiple employment for an individual who holds a non-exempt position should be avoided. If a non-exempt employee works in a multiple employment capacity, he or she is subject to the overtime provisions of the Fair Labor Standards Act, and will have all combined time worked in excess of forty hours per week considered as overtime. The employee will be compensated for such overtime in accordance with the overtime provisions of the Fair Labor Standards Act.

For purposes of multiple employment, the components of The University of Texas System are considered separate agencies, thereby allowing exempt employees to work at more than one institution and be paid for all hours worked. FLSA exempt employees may hold positions at two or more institutions for up to fifty hours (125% appointment) in a workweek. If the total hours of appointment exceed fifty, review and approval by the Executive Vice Chancellor for Academic Affairs is required. If an employee is employed for more than fifty hours per week at an academic institution and a medical institution, both the Executive Vice Chancellor for Academic Affairs and the Executive Vice Chancellor for Health Affairs must approve the appointments.

The employee must inform his or her employing state agencies or institutions of higher education before accepting additional employment with another agency or institution.

Institutions employing individuals with multiple assignments will enter into the necessary agreements designating which institution will be the principal employer for the purpose of defining the individual's employment as the total hours assigned to one institution, or alternatively, the total hours the person is assigned to all institutions.

### **3. PROCEDURES**

**3.1** An employee must notify each entity prior to accepting employment with more than one state agency or institution of higher education.

**3.2** If the employee is benefits-eligible at more than one place of state employment, one entity must be designated to carry the employee's insurance, and to determine how premium payments are to be paid and records kept.

**3.3** If an employee is non-exempt under the Fair Labor Standards Act and has multiple state employment, the employing agencies must coordinate to ensure the employee is compensated for any overtime hours, i.e., any combined time worked in excess of forty hours per week.

If an employee is eligible for overtime and overtime hours are worked in a multiple employment situation, payment must be made at the time and one-half rate. If the employee has two (or more) different rates of pay and works overtime, the employee may be paid a time and one-half rate that is the weighted average hourly rate for both (all) jobs.

The department head must notify the Office of Human Resources of any excess hours worked by the employee, to assure that any overtime pay required is paid at an appropriate rate.

**4. AUTHORITY**

*Texas Government Code*, § 659.0411, § 659.124 and Chapter 666  
Fair Labor Standards Act of 1938, as amended

**5. APPLICATION**

This policy applies to The University of Texas of the Permian Basin.