

TECHNICAL COLLEGE OF THE LOWCOUNTRY

PROCEDURE

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PROCEDURE TITLE: SECONDARY STATE EMPLOYMENT

BASED ON POLICY:

BASED ON SBTCE POLICY: 8-2-100

REVISION NUMBER:

OFFICE OF  
RESPONSIBILITY: HUMAN RESOURCES

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\_\_\_\_\_  
PRESIDENT

SEPTEMBER 18, 2012  
\_\_\_\_\_  
DATE

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COLLEGE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE COLLEGE RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

**PURPOSE**

I. Purpose

South Carolina Personnel Regulations (Section 19-702.09) provide for permanent employees to perform and be considered for compensation of secondary services provided for another state entity and/or their primary state employer. This procedure is set forth to provide guidelines which shall be adhered to in the approval and reporting of secondary employment services provided by permanent employees of other state agencies and state college or universities working for the Technical College of the Lowcountry and/or permanent employees of the Technical College of the Lowcountry working for

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another state agency, state college or university or their primary employer (The Technical College of the Lowcountry).

### II. General Provisions

#### A. The Technical College of the Lowcountry shall provide:

1. At no cost and as part of its regular services, to the General Assembly, those services requested by the General Assembly. Employees performing such consultative, research, or other services shall receive no additional compensation for such services.
2. Services to another member of the Technical College System, other state agencies and other colleges and universities without charge whenever possible. When it is impossible to provide such services at no cost, services should be provided on a contractual basis between state entities.

#### B. If a permanent state employee cannot be released from his/her primary assignment during the normally scheduled work day or the secondary services must be performed outside of the employee's normal work schedule, the employee may be considered for secondary state employment and compensation within the provisions of this procedure.

1. Secondary employment compensation for working at a technical college or the State Board for Technical and Comprehensive Education (to include additional work at the Technical College of the Lowcountry and faculty overloads):
  - a. Shall not be used to provide higher continuing salaries than those approved by the Budget and Control Board.
  - b. An employee's work schedule shall not normally be altered to allow time for secondary employment duties. Further, an employee may not receive additional compensation for services performed during regularly scheduled hours of work including mealtimes and breaks. (A faculty member's normal schedule is defined each semester as assigned teaching/lab times, posted office hours and on-campus

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hours as may be required by his/her supervisor, regardless of any scheduled breaks during the semester.)

- c. An employee may take annual leave while providing services for a secondary employer during their normal working hours and may receive secondary employment compensation from that employer for services performed during the period of leave. However, no employee of the Technical College of the Lowcountry shall receive additional compensation from their primary employer or a secondary Tech System employer while in any leave with pay status, including annual leave, faculty non-work days, state and/or college holidays and compensatory leave.
  - d. Services performed during other than the employee's normally scheduled hours of work for their primary employer may be considered for secondary employment compensation if the duties are independent of and in addition to the duties and overall responsibilities of the employee's primary position. However, assignment of such additional services to an employee shall be considered only when the duties cannot be performed by this or another employee during their normal work schedule, suitable temporary employment cannot be arranged and the services to be performed are to be considered temporary.
2. Secondary Employment Compensation at a state agency other than the State Technical College System:
    - a. Shall not be used to provide higher continuing salaries than those approved by the Budget and Control Board.
    - b. An employee's work schedule shall not normally be altered to allow time for secondary employment duties. Further, an employee may not receive additional compensation for services performed during regular hours of work including mealtimes and breaks. (A faculty member's normal schedule is defined each semester as assigned teaching/lab times, posted office hours and on-campus hours as may be required by his/her supervisor, regardless of any scheduled breaks during the semester.)

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- c. An employee may take annual leave or a faculty personal day, with the approval of his/her supervisor, while providing services for another state agency, other than his/her normal work hours and may receive secondary employment compensation from that employer for the services performed during the period of leave.
    - d. If the duties are independent of and in addition to the duties and overall responsibilities of the employee's primary position and the duties cannot be performed by this employee or another employee during their normal work schedule, and suitable temporary employment cannot be arranged, then the College may consider additional compensation for services performed outside the employee's normally scheduled work hours.
  - C. No state employee may accept any work or remuneration that could reasonably be construed as a conflict of interest. Acceptance without proper prior approval of work assignment of remuneration that is found to be a conflict of interest will be grounds for disciplinary action or termination. The propriety of an employment situation or remuneration for services rendered shall be considered by all parties concerned. The college shall solicit counsel from the Office of the Attorney General or the State Ethics Commission if necessary to make such determinations.
  - D. Permanent state employees serving on South Carolina State Boards, Commissions, or Committees for which per diem allowance is to be awarded are not eligible to receive such per diem allowance.
  - E. Travel and subsistence paid to a permanent state employee by a secondary employer shall be in compliance with provisions of the annual appropriations act and any regulations promulgated by the Budget and Control Board or the Comptroller General's Office.
- III. Compensation
  - A. The maximum compensation for secondary employment that any permanent state employee may be authorized to earn for all secondary services

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performed during the fiscal year (July 1 thru June 30) shall not exceed thirty percent (30%) of the employee's annualized salary.

- B. No compensation shall be paid to any permanent state employee for secondary services rendered for the primary or secondary employer prior to the specific approval of the conditions and amount of compensation under the provisions of this procedure.
- C. No permanent state employee shall be eligible for any additional fringe benefits as a result of secondary employment, including annual leave, sick leave, military leave, insurance, and holidays. However, compensation for secondary employment services shall be subject to such tax and retirement deductions as the current law may stipulate.
- D. Both the primary and secondary employers must comply with the provisions of the Fair Labor Standard Act (FLSA).

#### IV. Requests for Secondary Employment Services

- A. When a supervisor feels that dual employment and/or faculty overload is appropriate, based on the above guidelines, he/she should initiate a Technical College of the Lowcountry Employment Agreement or Overload Request forwarding the approved forms to the Personnel Office for further processing.
- B. Dual Employment/Overload Request Forms must be completed and approved PRIOR to the work/services beginning.
- C. If the request involves another employer, the Personnel Office will forward as appropriate.
- D. The Human Resource Director shall be the designated representative for the Technical College of the Lowcountry in reviewing and approving the dual employment requests to determine if it is appropriate to compensate the employee for the services to be rendered.
- E. Requests for secondary employment services shall apply to only one specific secondary employment situation. Modifications to, or extensions of,

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approved secondary employment requests must be submitted to the primary employer for authorization prior to final approval.

- F. Secondary employment agreements shall not exceed a twelve (12) month period and may not be approved beyond the end of the fiscal year (July1 thru June 30).

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DUAL EMPLOYMENT REQUEST FORM

REQUESTING (SECONDARY) AGENCY

Section/Dept: \_\_\_\_\_

Employee Name: \_\_\_\_\_ SSN: \_\_\_\_\_ FLSA: \_\_\_\_\_

Description of Services to be Performed:  
\_\_\_\_\_  
\_\_\_\_\_

Duration of Services and Proposed Compensation

Dates: \_\_\_\_\_ Times: \_\_\_\_\_  
From: \_\_\_\_\_ From: \_\_\_\_\_ Hrly Rate: \_\_\_\_\_ Gross Sal: \_\_\_\_\_  
To: \_\_\_\_\_ To: \_\_\_\_\_ Total Hrs: \_\_\_\_\_ Employer Contributions: \_\_\_\_\_  
Total: \$ \_\_\_\_\_

\_\_\_\_\_  
Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Authorized Requesting Agency Signature \_\_\_\_\_ Date \_\_\_\_\_

EMPLOYING (HOME) AGENCY

Agency Name: \_\_\_\_\_ Section/Dept: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Class Code: \_\_\_\_\_ Slot: \_\_\_\_\_ FLSA: \_\_\_\_\_ Current Annual Salary: \_\_\_\_\_

Normal Work Hours: From: \_\_\_\_\_ To: \_\_\_\_\_

Is the Requesting Agency authorized to pay the employee travel and subsistence?  Yes  No

If necessary, have arrangements been made for the employee to take annual leave or leave without pay to render the services described?  Yes  No

\_\_\_\_\_  
Authorized Employing Agency Signature \_\_\_\_\_ Date \_\_\_\_\_

Approved Comments: \_\_\_\_\_

Disapproved Comments: \_\_\_\_\_

\_\_\_\_\_  
Director of Human Resources \_\_\_\_\_ Date \_\_\_\_\_