

State Human Resources Policy #E24-105.01

Dual Employment / Multiple Employment

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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.

DEFINITIONS

Agency – The South Carolina Military Department/Office of the Adjutant General

Dual Employment – An agreement by which an FTE employee with an employing State Agency accepts temporary, part-time employment with the same or another State Agency which constitutes independent, additional duties distinct from the employee's primary duties.

Internal Dual Employment – An agreement by which an FTE employee with an employing State Agency accepts temporary, part-time employment within the same State Agency which constitutes independent, additional duties distinct from the employee's primary duties.

Multiple Employment – An agreement by which a Non-FTE employee with an employing State Agency accepts temporary, part-time employment with the same or another State Agency which constitutes independent, additional duties distinct from the employee's primary duties.

Primary Agency – The State Agency or department who has reporting and personnel support responsibility for the employee (i.e., the employee's primary employer)

Secondary Agency - The State Agency or department requesting and/or engaging the services of and compensating any employee for services which are clearly not a part of the employee's regular job.

FORMS

All forms noted for use in accordance with this Policy may be found at <https://scmd.sc.gov/state-operations/forms> under the "Human Resources" Section.

POLICY

1. This Policy does not apply to employees who are members of the Reserve, National Guard or State Guard who are called to State Active Duty.

2. Dual/Internal Dual Employment.

a. Employees of the South Carolina Military Department (Agency) in Full-Time Equivalent (FTE) positions who desire to accept additional temporary, part-time employment with another State Agency (Dual Employment) or within the Agency (Internal Dual Employment) must have the approval of both the Primary and Secondary Agency and the Division of State Human Resources (DSHR).

b. The employee can receive Internal Dual Employment compensation if the services constitute independent, additional job duties from those of the employee's primary duties within the Agency.

c. The Chief of Staff for State Operations is designated as the Recommending Approval and Disapproval Authority for Dual and Internal Dual Employment Requests for employees of the Agency.

- d. The DSHR is the approval authority for Dual and Internal Dual Employment Requests.
3. Multiple Employment.
 - a. Employees of the Agency in non-FTE positions who desire to accept additional temporary, part-time employment (Multiple Employment) within the Agency or with another State agency must have the approval of both the Primary and Secondary Agency.
 - b. The Chief of Staff for State Operations is designated as the Approval Authority for Multiple Employment Requests.
 4. Beginning Employment or Receiving Compensation.
 - a. Employees may not begin employment or receive compensation for Dual Employment or Internal Dual Employment prior to both the Primary and Secondary Agency and the DSHR approving the request(s).
 - b. Employees may not begin employment or receive compensation for Multiple Employment prior to both the Primary and Secondary Agency approving the request(s).
 5. Approvals for Dual Employment, Internal Dual Employment or Multiple Employments are limited in duration to the specific time frame approved which cannot exceed twelve (12) months.
 6. Employees must submit requests for Dual, Internal Dual or Multiple Employment for one-time occurrences as well as continuous events. One-time occurrences can include things such as providing assistance for a specific event within the Agency outside of the employee's primary duties.
 7. The Agency reserves the right to rescind or revoke the approval of a Dual Employment, Internal Dual Employment or Multiple Employment request at any time.
 8. The Agency will not use Dual Employment, Internal Dual Employment or Multiple Employment as the means to fill the part-time Armory Sitter positions
 9. Agency employees engaged in Dual Employment, Internal Dual Employment or Multiple Employment will satisfy all established work hours assigned to their Agency position. The Agency will not, nor will its departments or programs, alter or revise an employee's work schedule to provide time to perform Dual Employment, Internal Dual Employment or Multiple Employment duties for a Secondary Agency.
 10. Agency employees who are currently approved for Dual Employment, Internal Dual Employment or Multiple Employment, and who accept a new position within the Agency but in a different department or program must recertify their Dual Employment, Internal Dual Employment or Multiple Employment Request with their new department or program management.
 11. Dual or Multiple Employment Outside The Agency. An Agency employee may use Annual Leave or Leave Without Pay (LWOP) to provide services during working hours for a non-Military Department Secondary Agency, and may receive compensation from the non-Military Department Secondary Agency for services performed during the period of leave.
 12. Dual or Multiple Employment Within The Agency
 - a. The Agency will only approve Internal Dual or Multiple Employment within the Agency when extraordinary circumstances exist based on the Agency's (not the employee's) business needs.
 - b. An Agency employee who performs services during other-than-normally scheduled hours of work for the Agency may be considered to be performing Dual or Multiple Employment and be paid additional

compensation, if such services constitute independent, additional job duties from those of the employee's primary duties within the Agency.

c. No Agency employee will receive Dual or Multiple Employment compensation from the Agency while in a leave with pay status to include designated State holidays, Annual Leave, and Compensatory Time.

13. Both the Primary Agency and the Secondary Agency must comply with the provisions of the Fair Labor Standards Act (FLSA).

PROCEDURE

1. The Secondary Agency is responsible for initiating and coordinating Dual, Internal Dual or Multiple Employment arrangements to include initiating the DSHR *Internal Dual Employment Request Form* or Agency's *Multiple Employment Request Form*.

2. The Secondary Agency will coordinate the approval and any modifications of the Dual, Internal Dual or Multiple Employment request(s) with the Primary Agency.

3. The SC Military Department's State Human Resources Officer (State HRO) will review all Dual Employment, Internal Dual Employment or Multiple Employment forms.

a. Dual and Internal Dual Employment Requests.

(1) Employees requesting Dual or Internal Dual Employment will utilize the SHRO *Internal Dual Employment Request* form.

(2) The State HRO will review the *Internal Dual Employment Request* forms and documentation, and forward the packet with a recommendation for approval/disapproval, to the Chief of Staff for State Operations for approval/disapproval.

(3) If approved and the Agency is the Secondary Agency, the State HRO will forward the form, with all supporting documentation, to the Primary Agency Point of Contact.

(4) If approved and the Agency is the Primary Agency, the State HRO will forward the form, with all supporting documentation, to the DSHR Point of Contact. Upon receipt of the request, the DSHR will review all the documentation submitted for approval. Once approved, the DSHR will send the approved request form to the Primary Agency.

b. Multiple Employment Request. The State HRO will forward the *Multiple Employment Request* forms, with a recommendation for approval/disapproval, to the Chief of Staff for State Operations for approval/disapproval.

4. Compensation for Dual, Internal Dual or Multiple Employment

a. The Primary Agency (through SCEIS) will combine and review the employee's work hours for both the Primary and Secondary Agency to determine if the employee is due overtime compensation.

b. The Secondary Agency is responsible for paying the overtime compensation for any overtime resulting from the hours from Dual, Internal Dual or Multiple Employment. The Primary Agency is responsible for any overtime compensation resulting from work hours related to the employee's primary job.

c. The employee will receive all compensation through their Primary Agency as a part of their regular check or direct deposit. The Secondary Agency will provide the employee's earned compensation through the Primary Agency

d. The Secondary Agency will determine compensation for the Dual, Internal Dual or Multiple Employment.

(1) The maximum compensation an employee is authorized to receive for Dual, Internal Dual or Multiple Employment in a State Fiscal Year shall not exceed 30% of the employee's annualized salary with the Primary Agency for that State Fiscal Year.

(2) The Primary Agency is responsible for ensuring the dual and/or multiple employment payments made to its employees within one State Fiscal Year do not exceed the 30% limitation.

(3) The State HRD is authorized to approve exceptions to the 30% limitation based on written justification submitted by the Secondary Agency.

e. The Secondary Agency must make payment to the employee (through the Primary Agency) of funds approved for and earned under dual or multiple employment within 45 days of the beginning of the employment.

f. Dual or multiple employment employees are not eligible for any additional fringe benefits as a result of dual and/or multiple employment, including but not limited to Annual Leave, Sick Leave, Military Leave, State insurance, and holidays.

g. Dual and multiple employment compensation are subject to such tax and retirement deductions as required.

5. Dual and Multiple Employment Recordkeeping

a. The State HRO will maintain the records for each dual and multiple employment arrangement in accordance with the State Records Retention Schedules and the requirements of any applicable Cooperative Agreement records retention requirement.

b. The records must contain a copy of the completed and approved (both Secondary and Primary Agency) SCEIS Dual Employment Request Form and/or Multiple Employment Request Form.