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Owner Dept: HR  
Phone: ext. 6605

**Title:** Dual Employment

**Purpose:** The Dual Employment Policy is a statewide policy to be followed when one State agency secures the services of an employee of another State agency on a part-time, consulting or contractual basis. Any compensation to the employee must be paid by the parent agency. The borrowing agency is not authorized to make direct payment to full-time permanent employees of another State agency. The Dual Employment policy is a joint directive of the State Budget Office and the State Personnel Office which UNC Asheville is required to follow.

**Scope:** This policy applies to all permanent State employees both subject to and exempt from the State Personnel Act (i.e. SPA and EPA) and to all State agencies. The policy does not apply to employees of the public school system or the community college system; they are employed by local boards of education and local boards of trustees.

The policy applies only in situations involving one employee and two state agencies. For situations involving one employee assuming dual roles within the same agency, see the NC Office of State Personnel's Hours of Work and Overtime Compensation Policy.

**Definitions:**

1. **Parent Agency** – The State department, agency or university having control over the services of the employee, and from which the employee receives his/her regular paycheck.
2. **Borrowing Agency** – The State department, agency or university seeking, on a temporary or part-time basis, the services of an employee from another State agency.
3. **Permanent Full-Time Employee** – An employee with a 40-hour per week work schedule, including employees on rotating shifts and those with split shifts.
4. **Staff Employee** – An employee who is either SPA (subject to the State Personnel Act) or EPA Non-Faculty (non-faculty employees exempt from the State Personnel Act)
5. **Instructional Contractual Services** – The employment by one higher education institution of a teacher under contract to another institution. For example, the exchange of teachers between two universities in close proximity.
6. **Honoraria** – Any payment by one NC State agency to an employee of another NC State agency, including honorariums, is subject to the Dual Employment Policy.

**Policy:** Dual employment with another state agency occurs when an employee is needed on a temporary and/or part-time basis by another State agency. Dual employment is designed to be for short-term or for an emergency. It cannot conflict with the employee's regularly assigned duties. The Chancellor or the Chancellor's designee must give approval in writing in each instance of an employee performing services for pay for another state agency. Approval should be granted after



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carefully weighing the circumstances, considering such factors as the character of the services to be performed, the effect on the morale of other State employees, any ethical considerations involved, any temporary loss of services of the individual to the parent agency, the possible reduced efficiency of the individual as a result of fatigue or inattention to primary responsibilities, the urgency of the situation, possible alternative arrangement, and other pertinent factors. If the administrative head of the agency or university is to perform services for pay for another state agency, the State Budget Officer must approve the arrangements.

Guidelines for payment of services include:

- It is assumed that certain officials will make outside appearances and speeches, which are part of their normal duties, and such officials, should not expect payment for these occasions.
- Commuting expenses are not reimbursable.
- Employee's travel and/or subsistence expenses, if any, incurred in the performance of services for the borrowing agency, will be paid directly to the employee by the borrowing agency.
- An employee under contract to the University for an academic year (normally nine months) is ordinarily considered to be a free agent during the summer months, notwithstanding that such employee may be paid on a 12-month basis
- If the work (including preparation) is performed during the employee's regular work schedule and the employee is not on leave, the employee may not in any circumstance receive additional pay.
- If the work is performed outside the employee's regular work schedule, the employee may receive additional pay. All State employees are subject to the provisions of the Fair Labor Standards Act. There are certain exceptions to the overtime provisions of the law when it is applied to Professional, Administrative or Executive positions. In a dual employment situation, the duties of both positions are combined to determine if the person is exempt. Nonexempt employees, therefore, when serving another State agency, must be in accordance with the overtime payments of time and one-half of the employee's regular rate of pay for the hours worked in excess of 40 hours in a week. If the overtime resulted from the extra work hours performed at the borrowing agency, the borrowing agency is responsible for the overtime compensation. However, if during any given workweek the employee does not perform any work for the Parent Agency, no overtime payment will be required unless the employee works more than 40 hours for the borrowing agency. An employee on authorized leave from regular duties with the parent agency may be paid for the extra work on the same basis.

**Procedures:**

- I To obtain approval for dual employment, the employee must complete a *Dual Employment Request Form* including approval signatures (supervisor, department head, vice chancellor, and agency/university head or designee) prior to beginning the dual employment work assignment. The Director of Human Resources is currently designated to approve UNC Asheville's staff forms.
- II Payment for an approved dual employment arrangement requires completion and submission of *Form CP-30 "Dual Employment Certification Form."* The Borrowing Agency is responsible for



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the cost of the dual employment salary (as agreed upon in advance), and payments to the Parent agency must include the following:

- A. The employee's gross pay for the assignment
- B. Employer's Social Security/Medicare contribution computed on the amount of the payment
- C. Employer's share of retirement contribution computed on the amount of payment, if applicable (applicable when borrowing agency is merely supporting a portion of employee's regular salary; not applicable for additional compensation beyond the employee's regular salary.)

Payment of wages can never be made directly to the employee by the Borrowing Agency. The Borrowing Agency makes the payment to the Parent Agency, and then the Parent Agency's payroll office issues the payment to the employee. This is necessary to maintain the integrity of the retirement, social security, and Federal and State income tax records.

- III Any changes to the dual employment agreement must be noted immediately by completing a new *Dual Employment Request Form*. The *Dual Employment Request Form* must be updated each January. The form is available on the Human Resources web site.

Source: NC State Personnel Manual, Section 3

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