

# BLINN COLLEGE ADMINISTRATIVE REGULATIONS MANUAL

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**SUBJECT:** *Outside Employment*

**EFFECTIVE DATE:** February 19, 2020

**BOARD POLICY REFERENCE:** DBF

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## **Purpose**

Blinn College District is an institution of higher education in Texas and therefore must comply with Chapter 667 of the Government Code regarding employment by multiple state entities.

The College District recognizes the common practice of faculty and staff obtaining additional employment to address professional development, personal interests, or financial need. The College District may permit employment or participation in activities outside of the College District if the employment or activity does not create a conflict of interest or interfere with the employee's College District duties and responsibilities. See [Board Policy DBF\(LOCAL\)](#).

## **Additional Employment with the State of Texas**

Under the laws of the State of Texas, College District employees are considered employees of a state agency or institution. [Section 667.007, Texas Government Code](#), requires that all state employees inform their employers prior to accepting additional employment with another state agency or institution. Due to overtime requirements applicable under the Fair Labor Standards Act (FLSA) and the Government Code, College District employees must obtain approval from the Chancellor before accepting employment with another state agency, including another public institution of higher education.

If approved, compensation will accrue to each employment independent of the other except in those instances in which a staff employee is subject to the overtime provisions of the [FLSA](#). When the employee is subject to [FLSA](#) provisions, the employing state entities must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the [FLSA](#) provisions applicable to joint employment relationships. The two entities shall coordinate in order to determine which entity will have the responsibility for ensuring that the employee is properly compensated.

The following additional requirements apply to dual employment with the State of Texas:

1. Each employment requires maintenance of separate leave records;
2. Employees may not use time worked in one position as additional service credit for longevity purposes or annual leave accrual for other positions;
3. Upon termination of one employment, an employee may not transfer leave balances accrued under one employment to the remaining employment;
4. The state contribution towards the employee's benefit replacement pay corresponds to the overall individual limit, meaning the College District treats the employee as if holding only one state position;

5. The total state contribution towards the employee's group insurance may not exceed the amount specified in the Appropriations Act for full-time active employees; and
6. The staff employee will receive state longevity payment for no more than one employment.

### **Procedures for Reporting Outside Employment**

Employees shall receive prior written approval of all outside employment before such employment begins. Employees shall request all outside employment using the [Request for Outside Employment or Activity Form](#). The request form will be routed directly to the employee's department head or supervisor. The department head or supervisor will review the request for compliance, recommend approval or disapproval, specify justification for the recommendation, and route through the normal administrative levels to the appropriate Vice Chancellor.

The appropriate Vice Chancellor will approve or deny the request, specify the justification for the decision, and route the completed request form to Human Resources. A copy of all approved forms must be retained in the employee's personnel file. For coordination of pay and benefits, it is critical that these forms be routed promptly.

Employees shall also receive prior written approval of all outside dual state employment before such employment begins. Employees shall request all outside dual state employment using the [Request for Outside Employment or Activity Form](#). In contrast with requesting permission for non-state outside employment or activities, which requires Vice Chancellor approval, permission to maintain outside dual state employment requires prior written approval by the Chancellor before commencing the second employment.

The request form will be routed directly to the employee's department head or supervisor. The department head or supervisor will review the request for compliance, recommend approval or disapproval, specify justification for the recommendation, and route through the normal administrative levels to the appropriate Vice Chancellor and ultimately the Chancellor.

The Chancellor will approve or deny the request, specify the justification for the decision, and route the completed request form to Human Resources. A copy of all approved forms must be retained in the employee's personnel file. For coordination of pay and benefits, it is critical that these forms be routed promptly.