

FAYETTEVILLE STATE UNIVERSITY
SECONDARY PAY OR EMPLOYMENT

Authority:	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
Category:	Employment – SPA
Applies to:	● Administrators ● Staff
History:	Last Revised – September 16, 2011
Related Policies:	● <i>Secondary Employment</i> [Section 3, Office of State Personnel Policies] ● <i>Dual Employment</i> [Section 3, Office of State Personnel Policies]
Contact for Info:	Office of Human Resources (910) 672-1146

I. PURPOSE

Fayetteville State University (University) is considered the primary employer for employees who are subject to the State Personnel Act (SPA). Any compensation or employment outside of the University is considered secondary employment. Prior to any SPA employee engaging in secondary employment, the employee must obtain supervisory and University approval. The purpose of this *Policy* is to provide employees and supervisors with the University’s requirements for requesting and receiving approval for secondary employment and to ensure that an employee's secondary employment does not have an adverse effect on the employee's primary employment and does not create a conflict of interest.

II. DEFINITIONS

The following definitions are applicable to this *Policy*:

- A. Secondary employment** is defined as any work that produces income and is performed for an entity/individual other than Fayetteville State University or another State agency/institution, including self-employment.
- B. Division Head** is defined as a Vice Chancellor, the Athletics Director or the General Counsel.

III. APPLICABILITY

This policy is applicable to all permanent employees subject to the State Personnel Act (SPA employees), including probationary, trainee, and time-limited employees regularly scheduled to work thirty (30) hours or more per work week.

IV. RESPONSIBILITIES

A. Employee

No employee shall engage in any secondary employment until such employment has been approved by the employee's immediate supervisor and Division Head. An employee seeking to hold secondary employment (including being self-employed) must first submit a properly completed *Request for Approval of Secondary Employment* form to the employee's supervisor for consideration. The *Request for Approval of Secondary Employment* form must be submitted annually, no later than October 1st of each year, and updated throughout the year as changes occur.

Approval of secondary employment may be withdrawn at any time if it is determined that secondary employment has an adverse impact on the employee's primary employment or creates a conflict of interest.

Failure to provide accurate information regarding any secondary employment or to follow all policies regarding secondary employment may be considered unacceptable personal conduct which could subject the employee to disciplinary action up to and including dismissal.

B. Employee's Supervisor

Upon receipt of the properly completed *Request for Approval of Secondary Employment*, the employee's supervisor shall assess the potential impact of the requested secondary employment to determine whether the secondary employment would result in any of the following:

- Either directly or indirectly creates a conflict of interest with the employee's primary employment or with University operations. A conflict of interest occurs when a financial or other personal consideration may compromise, may involve the potential for compromising, or may have the appearance of compromising an employee's objectivity in making decisions or carrying out the employee's University duties or responsibilities;
- Either directly or indirectly create a conflict of commitment which would impair in any way the employee's ability to perform all expected duties; or
- Either directly or indirectly create or have any impact on the operations of the State of North Carolina.

If the supervisor determines that a reason for denial exists, the supervisor shall make the appropriate notation on the *Request for Approval of Secondary Employment* form, sign the form, notify the employee of the supervisor's decision and forward the form to the Division Head for consideration.

If the supervisor determines that no reason for denial exist, the supervisor shall make the appropriate notation on the *Request for Approval of Secondary Employment* form, sign the form and forward it to the Division Head for consideration.

C. Division Head

In consultation with the Office of Human Resources, the Division Head (acting as the Chancellor's designee) shall review all requests for secondary employment to ensure that the employee's request will not create a conflict or have an impact on University or State operations as outlined in Section IV.B. above.

If the Division Head determines that a reason for denial exists, the Division Head shall deny the request and notate the decision on the *Request for Approval of Secondary Employment* form. If the Division Head determines that no reason for denial exists, the Division Head shall approve the request and notate the decision on the Request for Approval of Secondary Employment form. The decision made by the Division Head shall be final.

V. WITHDRAWAL OF SECONDARY EMPLOYMENT APPROVAL

A. Withdrawal Due to Conflict of Interest

A supervisor, after consultation with the Office of Human Resources, may deny previously approved secondary employment if the following has occurred:

- The supervisor becomes aware of secondary employment that the employee has not reported and there is evidence that the failure to report has been willful; or
- The supervisor becomes aware that an employee's secondary employment presents a conflict of interest/commitment with the employee's primary employment or a possible conflict with State operations.

B. Withdrawal Due to Performance

If a supervisor believes that secondary employment is the cause of an employee's performance problems, the supervisor, after consultation with the Office of Human Resources, may refuse to allow the employee to continue the secondary employment. If the supervisor does not allow the employee to continue with the secondary employment, the supervisor may allow the employee a reasonable amount of time to give notice of termination to the secondary employer.

VI. RECORDKEEPING

The original signed *Request for Approval of Secondary Employment* form must be forwarded immediately to the Office of Human Resources for reporting and placement in the employee's personnel file. A copy of the signed *Request for Approval of Secondary Employment* form shall also be kept in the employee's departmental personnel file.