

DHHS POLICIES AND PROCEDURES

Section V:	Human Resources
Title:	Classification/Compensation
Chapter:	Dual Employment
Current Effective Date:	4/1/04
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Purpose

To establish policy and procedures for agency review and approval of dual employment activities of the Department of Health and Human Services (DHHS) employees as required by [State Personnel](#) policy.

Policy

It is the policy of DHHS that any employee subject to or exempt from the State Personnel Act must have prior and continuing approval from the agency head or designated representative before engaging in dual employment. The objective is to ensure that such activity does not create a direct or indirect conflict of interest with department employment and does not adversely affect or impair the employee's ability to perform assigned duties and responsibilities in a manner satisfactory to the department.

For purposes of this policy, *dual employment* is defined as an agreement when one (1) state agency secures the services of an employee of another state agency or among divisions/facilities/schools within DHHS.

Implementation

All requests for an employee to enter into dual employment with another division/facility/school shall be approved by the respective division/facility/school director without further approval required by the department. Division/facility/school directors shall also have approval authority for employees providing instructional services for universities where teaching covers one (1) or more courses for an entire academic period (quarter or semester). Dual employment requests with a state agency or university (non-instructional) outside of the department shall be approved by the DHHS Director, Division of Human Resources prior to the employee engaging in dual employment. Dual employment requests shall be accompanied by a letter from the employee's supervisor detailing the type of dual employment (consultation, lecture, training, etc.), the employee's job title, number of hours and/or days involved, amount of compensation, and certification that the dual employment will be on the employee's own time and not that of the parent agency or division/institution.

Employees who are *subject* to the Fair Labor Standards Act must be treated according to the NC Office of State Personnel's [Hours of Work and Overtime Compensation Policy](#). This includes time and one-half pay for hours worked over 40 by the employee, which includes time worked in the parent and borrowing agency. The borrowing division/facility/school, state agency, or university is responsible for the payment of overtime accrued as a result of a dual employment agreement.

The decision to approve, disapprove or discontinue dual employment shall be given to the employee in writing within 15 calendar days of receipt of the request. An approval notice shall specify any conditions or requirements associated with the approval.

Division/facility/school management is responsible for continually reviewing approved dual employment situations to determine any adverse effects. Employees are responsible for notifying their supervisor of any changes in dual employment activities. A notice of disapproval or discontinuation shall include the specific reasons for the disapproval or withdrawal of dual employment. The division/facility/school director's decision shall be final. These matters are not grievable under the department's employee grievance policy.

In order to determine the extent of the use of state employees for dual employment purposes between state agencies and within the department, records shall be maintained by the employee's parent division/facility/school human resources office. Division/facility/school human resources offices shall maintain the following information for each employee engaged in dual employment:

1. Name of the employee
2. Classification
3. Borrowing agency, university or division/facility/school
4. Type of services performed (lecture, consultation, etc.)
5. Time (hours and days) employed by borrowing agency
6. Amount of payment to parent agency:
 - A. For services
 - B. For employee's retirement and social security contributions
 - C. For indirect expenses of parent department
 - D. For related direct cost of parent department
 - E. Copy of the parent/borrowing agency's approval

Division/facility/school directors are responsible for ensuring compliance with this policy and procedure. Division/facility/school human resources managers are responsible for providing technical assistance to management as requested, notifying employees of dual employment requirements, and maintaining related personnel records.

For questions or clarification on any of the information contained in this policy, please contact [Human Resources](#). For general questions about department-wide policies and procedures; contact the [DHHS Policy Coordinator](#).