



## **ADDITIONAL EMPLOYMENT AND OVERLOAD**

### **GUIDELINES AND PROCEDURES**

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#### **SCOPE:**

These guidelines and procedures are in compliance with California State University Additional Employment Policy, HR 2002-05, dated February 19, 2002 and with appropriate federal regulations.

Additional employment guidelines are designed to provide a framework within which employees may be appointed for more than full time, and establish the total amount of employment an individual may have with the California State University (CSU). These guidelines cover the procedures on compensating faculty and staff for additional employment, and the reporting of such employment. These guidelines apply to all faculty and staff at California State University San Marcos or any of its authorized auxiliary organizations and they apply to multiple appointments compensated by the University, regardless of the source of funding. Such employment includes appointments at any regular CSU program or auxiliary organization as well as appointments on more than one campus in the CSU.

Additional employment for non-exempt staff is discouraged when it is possible to adjust the individual's workload through assigned time.

Additional employment shall not interfere with the employee's primary CSU assignment.

Additional employment in excess of full time does not affect University retirement credits or benefits payments.

#### **DEFINITIONS:**

Additional Employment The CSU Additional Employment Policy (HR 2002-05) establishes limits (125%) on the total amount of employment an individual may have within the CSU system. Additional employment limitations are based on time-base, not salary.

- CSU employment is defined as any employment compensated through CSU payroll, regardless of funding source (e.g., general fund, extension, lottery, CSU employment reimbursed by an auxiliary or other source). Additional Employment and Overload Guidelines and Procedures  
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- Outside employment is any employment not compensated through the CSU payroll, including CSU foundation and CSU auxiliary employment.
- When determining additional employment, all CSU employment and all outside CSU foundation and other CSU auxiliary employment are considered together.

- The additional assignment must be either of a different nature from or compensated from a different source of funds than the employee's regular assignment.

**Overload** is additional employment in excess of a full-time workload (100% time-base).

**Reimbursed time** is a mechanism whereby the University is reimbursed from external funds for an employee's salary, benefits, and accrued non-productive time. Employment that is reimbursed to the University by a foundation, other auxiliary, or other funding source is considered CSU employment.

**Assigned time** is a term commonly used to describe a partial release from regular work assignments to pursue research, scholarly, administrative, or other activity.

**Special consultant** is a classification that may be used when a faculty or staff member is appointed to perform a special assignment of a temporary nature based on a particular knowledge, ability, or expertise. Employees who accept additional employment as special consultants are subject to the 125% limit on additional employment. Special consultants are employees for payroll purposes, and are not to be confused with Independent Contractors.

**Independent contractor** is an individual who is hired to perform a specific task, and the employer controls only the result of the work, not the means and methods of accomplishing the result. See CSU coded memorandum HR-2003-21 for rules related to CSU employees working as independent contractors.

## **ALLOWABLE ADDITIONAL EMPLOYMENT:**

### **Percent of effort allowable**

An employee may be provided with an appointment not to exceed 25% above the 1.0 full time position (125% time). Using a standard 40-hour week, the 25% maximum would provide compensation for 10 hours per week of work.

No more than 100% effort may be paid at any time from federal funds.

For academic year faculty, the 25% additional employment cap is established for, and computed over, the academic year.

A full-time academic year employee may be employed up to 125% time during nonacademic year time periods. This includes the time between the last academic workday of Additional Employment and Overload Guidelines and Procedures Page 3 of 6 an academic year and the first academic workday of the next academic year as shown in the academic calendar for that year. Such an employee may also work 125% during semester breaks as shown in the academic calendar, provided that no more than 100% is allocated to one individual federal project.

Academic year faculty may be appointed up to 125% time while on leaves of absence without pay. A faculty unit employee on sabbatical leave shall not accept additional and/or outside employment without prior approval of the President, per CBA article 27.15.

For twelve-month faculty and exempt staff, the 25% additional employment guideline is based on a 12-month year.

For non-exempt staff, additional appointments in excess of full-time are typically not granted, except by approval of the President or designee.

### **Type of work allowable**

Most additional employment, reimbursed time, and/or overload are compensable only if the preparatory work and other required duties are performed outside the normal work hours of the employee's regular assignment. Additionally, the work to be performed cannot be part of the employee's regular assignment.

Any questions or disputes as to whether an externally funded assignment may be compensated as additional employment, overload, or reimbursed time shall be determined solely by the CSUSM Corporation Executive Director or designee.

People paid by CSUSM Corporation may not work in any other job, private or in the CSU, during the hours they are employed by CSUSM Corporation. In addition, people paid by CSUSM Corporation may not work in any other job that might impair their performance at CSUSM Corporation or create a conflict of interest.

### **Compensation for additional employment**

Exempt employees. Determination of whether additional employment is within limits is based on time-base, not salary. Normally, the salary rate for additional employment is the same as the rate for the primary appointment. In the case of a federal or state grant or contract, the rate of pay must be the same as the CSU base rate of pay for the primary appointment, and must be consistent with OMB Circular A-21 definitions. However, a different salary rate may be approved by the Executive Director, or designee, of CSUSM Corporation if appropriate for the work performed and if allowed by the external funding/granting source.

Non-exempt employees. Work performed in excess of a 1.0 full-time equivalent timebase is compensated at the appropriate overtime rate for all hours worked in excess of 8 in one day or 40 in one week in the CSU.

Independent Contactor vs Employee. CSU employees may contract for services with the university or auxiliary in very limited situations. Please refer to CSU coded memorandum HR-2003-21 for the rules related to CSU employees working as independent contractors. Many facts have been used by the courts in deciding whether a worker is an **independent contractor** or an **employee**. These relevant facts fall into three main categories: behavioral control; financial control; and relationship of the parties. In each case, it is very important to consider all the facts – no single fact provides the answer. CSUSM Corporation will provide a careful review of all the relevant facts to determine whether the worker is an independent contractor or employee and the CSUSM Corporation Executive Director or designee reserves the right to make the final determination.

In addition, employees who form corporations or other types of business may not contract with an auxiliary organization to provide independent contractor services until an absence of conflict of interest determination is made by CSUSM Corporation's Executive Director. If a conflict arises, CSUSM Corporation reserves the right to terminate the relationship.

### **PROCEDURES FOR PRIOR APPROVAL AND MONITORING OF WORKLOAD:**

The following procedures must be used to review, approve, and process additional employment personnel transactions.

The extent of an employee's CSU workload must be determined prior to appointment to an additional employment position. Additional employment, whether direct pay, overload, or reimbursed time, must be authorized in writing by a University official prior to performance of the work.

#### **Overload Approval**

For faculty, approval for academic year overload is obtained by completing CSUSM Corporation's Employment Authorization Form (EAF). This document requires the signature of the appropriate Administrator from their college and serves as approval of the overload. To document overload, a copy of all faculty EAFs will be forwarded to Academic Affairs for approval and tracking. All overload is to be documented on the EAF. Note: There are two types of EAFs at CSUSM Corporation. There is either an EAF for Faculty or Exempt Level Staff (MPP) or a Standard EAF for all other non-exempt level staff.

For exempt staff, approval must be obtained from the employee's CSU Department Administrator for all requests for overload and reimbursed time. This approval must be obtained in writing before the employment of a staff member with CSUSM Corporation can proceed. Approval may include e-mail confirmation sent to CSUSM Corporation's Human Resources Department from the Administrator or signature by the Administrator on the originating Faculty or Exempt Level Staff EAF.

For non-exempt staff, additional appointments in excess of full-time are typically not granted. In the event a campus President or designee is considering an additional employment opportunity for a non-exempt employee, the following options are available:

1. Reduce the time-base of the primary position so the primary and additional appointments in total do not exceed a 100% time-base; or
2. Pay the employee appropriate compensation in accordance with FLSA and his or her respective MOU or employment policy.

Approval for a non-exempt employee's additional employment must be granted by the employee's CSU Department Administrator before work may begin and is to be documented on a CSUSM Corporation Standard EAF.

Overload/Overtime

For overload and overtime activities on grants and contracts, faculty or staff become CSUSM Corporation employees. The PI or PI-designee fills out a Standard EAF and a job description prior to commencement of work on the project. PI or designee contacts CSUSM Corporation Human Resources to determine pay rates and the effective date of employment before completing the EAF and prior to ANY work being performed on the project. Once the EAF is completed and submitted to CSUSM Corporation, a new employee orientation must be conducted with the employee and CSUSM Corporation.

If a Faculty member, an EAF form indicating the overload will be completed by the Faculty member at this time. A copy of this document will then be forwarded to Academic Affairs by CSUSM Corporation's Human Resources Department. If the employee is a CSU Staff member, the appropriate communications and approvals will need to be obtained from the employee's CSU Department Administrator (see above). Then, timesheets are submitted to the CSUSM Corporation payroll office by the employee on a regular and timely basis after employment begins.

Reimbursed Time For reimbursed time activities, the Department initiates the Faculty/Staff Grant Reimbursed Time form that is signed by the appropriate university administrator(s), and, in the case of a CSUSM Corporation grant or contract, by the appropriate Principle Investigator or Project Manager.

**CALCULATING RATES OF COMPENSATION on GRANTS AND CONTRACTS****Instructional faculty**

**Academic Year:** Pay for academic year overload and reimbursed time salary is calculated by multiplying the employee's annualized salary by the percent of effort that will be applied to the project. For purposes of determining salary base, the academic year consists of 170 days, or 34 weeks, or 1360 hours. For NSF, the academic year is 9 months.

**Non-academic Year:** Pay for summer and non-academic year time is calculated by the percent of effort applied to the project using the monthly or daily salary base as calculated below. For purposes of determining non-academic year salary, the maximum Additional Employment and Overload Guidelines and Procedures Page 6 of 6 allowable time is the actual number of days between the last day of the academic year and the first day of the next academic year, or the actual number of days between semesters, and a daily rate applied. For NSF, the maximum non-academic year salary is 2 months.

$$170 \text{ academic calendar year days} / 5 = 34 \text{ weeks}$$

$$34 \text{ weeks} / 4.33 \text{ (average number of weeks per month)} = 7.85 \text{ months}$$

$$\text{Faculty annualized salary} / 7.85 = \text{monthly salary base}$$

Faculty working a complete summer month would receive the monthly salary base shown above. When faculty work would be less than a complete summer month, a daily rate would be calculated. When faculty work is less than 8 hours, an hourly rate would be used. These rates are obtained by:

Annualized salary / 170 days = daily rate

Daily rate / 8 = hourly rate

### **Other exempt staff**

Represented or non-represented employees, including those in the Management Personnel Plan, who are in positions exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) do not receive additional compensation for work considered part of their primary work assignments. However, an exempt employee may be assigned additional employment equivalent to 25% above a 1.0 full time time-base if the additional assignment is unrelated to the primary work assignment. The additional assignment is calculated at the same rate of pay as the regular employment, unless agreed upon by the funding source.

### **Non-exempt employees**

Additional employment, whether direct pay, overtime, or reimbursed time, for staff requires prior review and approval by the President or designee. Reimbursed time is calculated at the regular hourly rate of pay, plus proportional benefits. Overload is calculated at the appropriate rate for work performed in excess of 8 hours in one day or 40 hours in one week in the CSU.

The Faculty or Exempt Level Staff Employment Authorization Form (F-EAF), Standard Employment Authorization Form (EAF), and the Reimbursed Time Form may be found at [www.csusm.edu/uarsc/forms](http://www.csusm.edu/uarsc/forms).

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