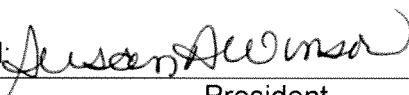


**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	SECONDARY STATE EMPLOYMENT	Procedure Number:	3-3-103.1
Institutional Authority:	Vice President for Administrative Services		
Associated SBTCE Policy/Procedure:	8-2-100.1		
Governing ATC Policy:	3-3-103		

Approved: 
President


Vice President of Administrative Services

Date Adopted: 07/01/2004
Date Revised: 02/11/2008

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

I. Purpose

This procedure is set forth to provide guidelines which shall be adhered to in the approval and reporting of secondary employment services, provided by FTE employees of other State agencies, State Colleges, or Universities for Aiken Technical College or FTE employees of Aiken Technical College for another State entity or their primary employer.

II. General Provisions

A. Aiken Technical College shall provide:

1. At no cost and as part of their regular services to the General Assembly, those services requested by the General Assembly. Employees performing such consultative, research, or other services shall receive no additional compensation for such services.

2. Services to one another without charges whenever possible. When it is impossible to provide such services at no cost, services should be provided on a contractual basis between State entities.
- B. The secondary services must be performed outside of the employee's normal work schedule, to be considered for secondary State employment and compensation within the provisions of this procedure.
1. Secondary employment compensation shall not be used to provide higher continuing salaries than those approved by the Budget and Control Board.
 2. No employee may receive additional compensation for services performed during regularly scheduled hours of work (to include mealtimes and breaks). Further, an employee's work schedule shall not be altered to allow time for secondary employment duties.
 3. No employee of Aiken Technical College shall receive additional compensation from the College or a secondary Tech System employer while in any leave with pay status, including annual leave, faculty non-work days, State and/or College holidays and compensatory leave.
 4. Services performed during hours other than the employee's normally scheduled hours of work for Aiken Technical College may be considered for secondary employment compensation if the duties are independent of and in addition to the duties and overall responsibilities of the employee's primary position. However, assignment of such additional services to an employee shall be considered only when the duties cannot be performed by this or another employee during their normal work schedule, suitable temporary employment cannot be arranged and the services to be performed are to be considered temporary.
- C. No Aiken Technical College employee may accept any work or remuneration that could be reasonably construed as a conflict of interest. Acceptance of secondary employment work without proper prior approval of work assignment or remuneration that is found to be a conflict of interest will be grounds for disciplinary action or termination. The propriety of an employment situation or remuneration for services rendered shall be considered by all parties concerned. The Aiken Technical College Human Resources Office may solicit counsel from the SBTCE Human Resource Services Division to make such determinations.
- D. FTE Aiken Technical College employees serving on South Carolina State boards, commissions, or committees for whom per diem allowance is to be awarded are not eligible to receive such per diem allowance.

- E. Travel and subsistence paid to an FTE Aiken Technical College employee by a secondary employer shall be in compliance with provisions of the annual Appropriations Act and any regulations promulgated by the Budget and Control Board or the Comptroller General's Office.

III. Compensation

- A. The maximum compensation for secondary employment that any full time equivalent (FTE) Aiken Technical College employee may be authorized to earn for all secondary services performed during the fiscal year (July 1 through June 30) shall not exceed thirty percent (30%) of the employee's annualized salary.
- B. The hourly rate of compensation shall be based on the appropriate salary range for the services to be performed and the employee's relevant qualifications.
- C. No compensation shall be paid to any FTE Aiken Technical College employee for secondary services rendered for the primary or secondary employer prior to the specific approval of the conditions and amount of compensation under the provisions of this procedure.
- D. No FTE Aiken Technical College employee shall be eligible for any additional fringe benefits as a result of secondary employment, including annual leave, sick leave, military leave, insurance, and holidays. However, compensation for secondary employment services shall be subject to such tax and retirement deductions as the current law may stipulate.
- E. Both the primary and secondary State/dual employers must comply with the provisions of the Fair Labor Standards Act (FLSA).

IV. Requests for Secondary Employment Services

- A. It is the responsibility of the secondary and primary employers to determine the need for the secondary employment services and to determine if it is appropriate to compensate the employee for the services to be rendered.
- B. The secondary employer's designated representative shall be responsible for the preparation, internal/external communications, and processing of all requests for secondary employment services. All requests for secondary employment services shall contain the following information.
 - 1. Official name of the secondary employer; and the section/department in which the services are to be performed.

2. The employee's full name and social security number or other identification number.
 3. Complete description of the services to be performed, the actual beginning and ending dates, day(s) of week, time, and total hours of work and the FLSA status of services to be performed.
 4. Proposed hourly rate, gross compensation for total hours and travel and subsistence, if applicable.
 5. Amount of compensation previously approved for employee for other secondary services provided to the secondary employer during the current fiscal year.
 6. Signature of the employee.
 7. Signature of secondary employer's designated representative.
- C. The Human Resources Officer is responsible for the review of requests for secondary employment services, certification of all secondary compensation previously approved for the employee during the current fiscal year, obtaining all internal concurrences required to authorize the employee to provide the secondary services as requested and to respond to the secondary employer in a timely manner. The following information shall be provided to the secondary employer.
1. The official name of the primary employer and the employee's primary employment section/department.
 2. Employee's primary position classification title, class code, slot number, the FLSA status of the employee's position, current annualized salary, normal scheduled days and hours of work.
 3. Total amount of secondary employment compensation approved for the employee during the current fiscal year.
 4. Authorization for the secondary employer to pay the employee travel and subsistence, if appropriate.
 5. Indicate if the employee will be required to take annual leave or leave without pay to perform the requested services.
 6. Signature of the primary employer's designated representative authorizing the secondary employer to enter into this secondary employment arrangement.

- D. Requests for secondary employment services shall apply to only one specific secondary employment situation. Modifications to, or extensions of, approved secondary employment requests must be submitted to the primary employer for authorization prior to final approval.
- E. Secondary employment agreements shall not exceed a 180 day period and may not be approved beyond the end of the fiscal year.
- F. Detailed records must be maintained by the secondary and primary employers. All requests for secondary State employment services and subsequent agreements, employee work schedules and related leave and/or payroll records are subject to audit by appropriate authorities.

Procedure Review		
Review Date	Reviewed By	Date Completed
07/01/2007		
02/11/2013		