Secondary Assignments (Overload Jobs)

Policy Type: Administrative
Responsible Office: VCU Human Resource and the Office of Faculty Affairs
Initial Policy Approved: 12/01/1993
Current Revision Approved: 03/20/2018

Policy Statement and Purpose

Virginia Commonwealth University permits, under certain circumstances, employees to hold multiple positions within the university. This policy covers university employment and corresponding compensation related to secondary (overload) assignments. This policy also affirms that employees may hold only one primary job and may hold no more than one salaried job within the university. Secondary assignments are generally temporary and are not benefits-eligible, except where required by law. In accordance with VCU’s strong commitment to equal opportunity, most secondary assignments require a competitive search. Secondary assignments are only permissible when university officials have formally approved the assignment, and when all eligibility requirements have been met.

The purpose of this policy is to clarify the acceptability of secondary assignments and to ensure fair employment and compensation practices. The policy applies to all employees and is complementary to federal and state laws and procedures, as well as institutional policies and procedures governing search requirements, compensation, and employment practices.

This policy does not govern secondary employment outside of VCU or external consulting; these topics are covered by separate policies. See VCU policies on Outside Professional Activity and Continuing Education for additional information. Nothing within this policy precludes an employee from seeking a new primary job within or outside of the university. This policy does not cover primary job changes, bonuses, awards or merit pay.

Noncompliance with this policy may result in disciplinary action, up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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Who Should Know This Policy

All employees (includes faculty) are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

**Academic Year**
August 16 through May 15

**Full Time Equivalent (FTE)**
FTE is expressed in terms of the level of full-time support in a given position. Every full-time position is considered 1.00 FTE.

**Manpower Control Act (MCA) Standard Measurement Period**
The 12-month period of May 1 through April 30 of the following year during which certain non-benefited employees cannot work more than 29 hours per week on average, or 1,480 hours total per measurement period (the “29-hour limit”).

**Overload Jobs**
Overload jobs are additional assignments where the duties are clearly outside of the regular responsibilities of the employee’s primary job.

**Primary Jobs**
When an employee holds multiple jobs at the university and one of the jobs is salaried, the salaried position is considered the employee’s primary job. Otherwise, the primary job is the job that was accepted first.
When an employee holds multiple jobs at the university and all are adjunct faculty appointments, the primary job is the one with the greatest FTE.

Contacts

VCU Human Resources officially interprets this policy for all employee types other than faculty appointments. The Office of Faculty Affairs officially interprets this policy for faculty appointments including full-time, part-time, and adjunct faculty. VCU Human Resources, in consultation with the Office of Faculty Affairs is responsible for obtaining approval for any revisions as required by the policy Creating and Maintaining Policies and Procedures through the appropriate governance structures. Please direct policy questions to the applicable office based on employee type.

Policy Specifics and Procedures

VCU employees may hold multiple positions within the university, under certain approved circumstances. Employees may hold only one primary job and may hold other secondary assignments within the university. **Secondary assignments are generally temporary and are not benefit-eligible**, except where required by law. The following procedures describe types of secondary assignments allowed based on primary job type and employee classification.

This policy does not govern secondary employment outside of VCU or external consulting; these topics are covered by separate policies. See VCU policies on Outside Professional Activity and Continuing Education for additional information. This policy does not cover primary job changes, bonuses, awards or merit pay. See relevant compensation policies for additional information.

General Requirements for All Secondary Assignments

- The intended task is clearly outside of the employee’s primary job responsibilities.
- The intended secondary assignment(s) does not diminish the employee’s effectiveness in their primary job.
- The university’s best interest is served by allowing the secondary assignment.
- The employee is qualified to perform the responsibilities of the secondary assignment.
- Collective university employment complies with institutional, state and federal policies.
- Employees on certain visas cannot have more than one job without the approval of VCU’s Global Education Office.
- Employees with primary jobs supported by grant funding are not permitted to have secondary assignments, regardless of the grant funding source, except when the grant or contract award specifically documents the secondary assignment or when the sponsoring party has otherwise approved the arrangement in writing.
- Departments must consult with VCU Human Resources prior to approval if the secondary assignment is with VCU Health System.
- The secondary assignment(s) is only permissible after approval by the required university officials.

Procedures Applicable to All Secondary Assignments
- University policies on recruitment and hiring must be followed; most secondary assignments require a search.
- Secondary assignments require the approval of the primary job's supervisor. In determining secondary assignment eligibility, a supervisor considers whether the assignment meets the criteria described in this policy.
- Secondary assignments cannot be used for performing the same duties as the primary job when the same supervisor, work location, customers, and work titles remain unchanged.
- All secondary assignment pay is based on the applicable pay structure for the work to be performed and must be reported and paid in accordance with current payroll and FLSA guidelines.
- The employee requests and the secondary assignment unit supervisor initiates the appropriate approval process. The secondary assignment supervisor oversees the completion of the appropriate approval process for each secondary assignment request.
- Supervisors are responsible for monitoring and ensuring compliance with this policy.
- It is the responsibility of both the primary and secondary units to coordinate with one another regarding applicable leave administration and compensation, including eligibility for overtime pay for non-exempt employees, where due.
- For employees whose position is non-benefited, managers are responsible for ensuring the employee is eligible for a secondary assignment.
- VCU Human Resources manages the approval process for all secondary assignments that are non-academic in nature. The Office of Faculty Affairs manages the approval process for academic secondary assignments.

Procedures for Specific Employee Groups

1. University and Academic Professional, Classified, and Wage (Hourly and Student Worker) Employees:
   - University and Academic Professional
     - Employees with a primary job within the university and academic professional employee group may hold a secondary assignment as adjunct faculty or as a wage employee. They may also hold an exempt-level non-instructional assignment, such as interim director. Adjunct faculty assignments are approved by the Office of Faculty Affairs. Wage and other non-instructional secondary assignments are approved by VCU HR. See relevant compensation guidelines for additional information.
     - A nonexempt university and academic professional must be compensated on an hourly basis for any secondary assignment and is entitled to overtime pay where applicable.
   - Classified, and Wage (Hourly and Student Worker) Employees:
     - An exempt classified employee can be employed in an overload job as hourly or adjunct faculty.
A non-exempt classified employee must be compensated on an hourly basis for any secondary assignment and is entitled to overtime pay where applicable.

An hourly employee may hold another hourly job and a student employee may hold another student employee position or an hourly job. However, the total combined hours worked by hourly and student workers between all wage jobs must comply with the 29-hour rule within the Standard Measurement Period.

Supervisors are responsible for monitoring and ensuring compliance with this policy. If hours worked in a single week exceed 29, supervisors must ensure that hours worked in other weeks are limited so that work hours average 29 or less per week over the Standard Measurement Period.

It is the responsibility of both the primary and overload departments to coordinate reporting of hours worked and leave taken so that overtime payments are correctly calculated and the employee is not paid for working simultaneously in two departments at one time. The Wage Timesheet and OT2 Form are provided for this purpose and, like other timekeeping documentation, must be maintained for five years.

Generally, university and academic professionals, classified, hourly, and student employees cannot be denied the ability to obtain additional employment outside of VCU as long as it is compliant with the VCU policy on Outside Professional Activity, Consulting, and Continuing Education Activity. However, classified staff must obtain approval from their supervisor prior to accepting outside employment in accordance with Commonwealth of Virginia Department of Human Resource Management Policy #1.60, Standards of Conduct. Managers can require there be no conflict between the jobs and that the employee's effectiveness in the VCU job not be jeopardized. If a wage position is obtained within state government, each agency or institution is considered a separate employer and work hours are restricted to 29 hours per week, on average, for each employer.

2. Graduate Assistant and Work-Study Student Employees:
   - Graduate assistants cannot have more than one job without the approval of their program director. Work-study student employees cannot have more than one work-study job without the approval of VCU’s Office of Financial Aid. The 29-hour restriction described above for wage employees also applies to graduate assistants and work-study student employees. For more information, please contact the VCU Graduate School (https://graduate.vcu.edu) or VCU’s Federal Work-Study Coordinator (https://finaid.vcu.edu).

3. Faculty: In general, only 9/10 month Teaching and Research (T&R) faculty are permitted to have a secondary assignment, subject to the restrictions noted below and with the required approvals.
   - All secondary assignments must be initiated in writing using the Request for Secondary Assignment form for faculty, which requires approvals by the respective primary supervisor, dean/unit head and vice president (or president as applicable). Nine- and 10-month Faculty: T&R faculty in 9/10-month appointments are not routinely permitted to hold secondary assignments during the course of the academic year. Nine-/10-month faculty are permitted to
have summer appointments. The total compensation for all secondary assignments during the academic year and summer may not exceed 33.33 percent of the faculty member’s 9/10-month contractual salary. As part of the approval process for a secondary assignment for 9/10 month faculty, the primary supervisor must certify that the work performed in the secondary assignment is not part of the faculty member’s primary responsibilities and that the amount does not exceed 33.33 percent of the primary job’s contractual salary.

- **Twelve-month Faculty:** T&R faculty in 12-month appointments are not routinely permitted to have a secondary assignment. Secondary assignments for 12-month faculty are only permitted where the faculty member’s position is not support by grant funding and where the secondary assignment meets all of the following criteria:
  - The secondary assignment is for teaching duties only;
  - The secondary assignment occurs during the academic year (excluding summer and intersession);
  - The teaching are outside the scope of the faculty member’s regular responsibilities; and
  - The compensation for teaching duties is paid at the standard rate for adjuncts in the respective school/college where the faculty member is teaching.

Any exceptions to the restrictions on secondary assignments for faculty require approval by the respective vice president (or president, as applicable), or designee.

- **Adjunct Faculty:** Adjunct faculty are not permitted to accept additional employment in another part-time, non-benefited position (adjunct or hourly) at VCU unless they have been authorized to do so by the respective hiring authorities. Secondary assignments for nonteaching adjunct positions are not permitted unless the duties are instructional. Any secondary assignment that is not primarily instructional may require an appointment to an hourly position. If a secondary hourly or adjunct assignment is permitted, the total combined hours for all part-time, non-benefited positions held during the Standard Measurement Period must comply with the 29-hour rule. If at any time during the Standard Measurement Period it is determined that the projected hours might exceed this hourly limit, the hours must be reduced and/or the position may be subject to earlier termination. These restrictions are to ensure compliance with the provisions of the Affordable Care Act, Manpower Control Program, and the Fair Labor Standards Act FLSA. For additional information see Adjunct Faculty Appointments-Compliance with the ACA, MCP, and FLSA- Revised August 2017.

The secondary assignment restrictions and approval process noted above apply to supplementary compensation within VCU. The university permits faculty to engage in outside employment and paid consultation within strict limits as set forth in VCU’s policy on Outside Professional Activity and Continuing Education.
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Forms

Search for the following forms at http://hr.vcu.edu/forms/vcu-hr-forms/.

1. Overtime Calculate Classified Primary and Overload Hourly
2. Faculty Overload Job Request Form
3. Secondary Assignment (Overload) Request Form for University and Academic Professional and Classified Staff

Related Documents

   http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2
2. VCU Policy: Wage Employment (Hourly and Student Worker)
3. VCU Policy: Outside Professional Activity and Employment, Research, and Continuing Education (for Faculty)
4. VCU Policy: Outside Professional Activity, Consulting and Continuing Education Activities for University and Academic Professionals and Classified Staff
5. Adjunct Faculty Appointments-Compliance with the ACA, MCP, and FLSA-Revised August 2017
6. VCU Faculty Salary Administration Guidelines
7. VCU Human Resources Overtime Guidelines

Revision History

This policy supersedes the following archived policies:

February 1, 2010     Overload Jobs
July 24, 2013       Overload Jobs
November 11, 2016   Overload Jobs
March 20, 2018      Secondary Assignments (Overload Jobs) [minor revision to correct typographical errors]

FAQ

There are no FAQ associated with this policy and procedures.