

Supplemental Employment Procedures

Purpose

The following guidelines and procedures relating to supplemental employment provide a framework for receiving, reviewing, and making a determination regarding supplemental employment assignments with Morgan State University. Employees are responsible for satisfactory performance in their primary role within the University. Failure to maintain adequate performance in a primary employment role could adversely impact a current or proposed supplemental employment assignment.

The purpose of these guidelines is to avoid conflicts of commitment and conflicts of interest, to ensure impartiality and independent judgment in supplemental employment assignments, and to avoid the *appearance* of conflicts of commitment or interest.

Definitions

“Primary Employment” means the regular duties and responsibilities assigned to the employee’s Position Identification Number (PIN) as more particularly set forth in the employee’s job description or as determined by the Office of Human Resources (OHR).

“Supplemental Employment” means the performance of duties and responsibilities that are not assigned to the regular PIN performed on behalf of MSU and generally do not fall within the scope of the employee’s regular job description. The supplemental assignment is typically contractual in nature and for a specific period of time.

“Primary Employment Department” is the department for which the employee performs primary employment duties.

“Supplemental Employment Department” means the department for which supplemental employment services will be performed. This may or may not be the same as the Primary Employment Department.

“Regular Exempt Employees” are employees who, based on duties performed and manner of compensation, are exempt from the Fair Labor Standards Act (FLSA) wage and overtime provisions. Regular exempt employees are salaried and are required to fulfill their assigned duties regardless of hours worked.

“Regular Non-exempt Employees” are employees who, based on duties performed and manner of compensation, are subject to all FLSA wage and overtime provisions. An employee appointed to a per diem position shall be treated as a non-exempt employee subject to FLSA minimum wage and overtime provisions. Non-exempt employees are required to account for time worked on an hourly and fractional hourly basis and are to be compensated as required by the FLSA for qualified overtime hours. Non-exempt titles are identified in the Morgan State University non-exempt job classification structure and can be found on the [Human Resources website here](#).

Procedures

This procedure applies to regular exempt and non-exempt staff only. Faculty are not included in these procedures. The Associate Vice President of Human Resources or their designee is the university administrator authorized to approve or deny supplemental employment requests on behalf of the university.

1. The Supplemental Employment Department offering a temporary supplemental employment assignment to a regular exempt or non-exempt staff member should initiate an EPAF workflow in Banner.
2. Upon submission of the EPAF, a member of the Human Resources Information Systems (HRIS) team will identify any EPAF assigned to a regular full-time staff member.
3. If the employee receiving the contract is a regular exempt or non-exempt employee, Human Resources will reach out to both the Primary Employment Department and Supplemental Employment Department, if different, to review and make a determination regarding the supplemental employment offer.
4. Upon approval by the Primary Employment Department, the Supplemental Employment Department, and the Office of Human Resources, Human Resources will approve the EPAF and move it forward through the designated approval workflow.
5. Upon denial by the Primary Employment Department, the Supplemental Employment Department, or the Office of Human Resources, Human Resources will deny the EPAF in the Workflow module. The Office of Human Resources will communicate the denial to the impacted employee and the Supplemental Employment Department.

Guidelines for Supplemental Employment

Regular exempt and non-exempt employees may accept a supplemental employment assignment, upon the completion of any probationary period, provided the supplemental employment hours and schedule do not conflict with the employee's primary employment hours and schedule and the employee is in good standing in their primary role. An employee subject to any one of the provisions of a progressive disciplinary process may be prohibited from supplemental employment assignments.

Exceptions to the prohibition on hours and schedule conflicts may be permitted if all parties agree. The employee is responsible for recording annual and/or personal leave on their timesheet if the supplemental employment hours coincide with and/or overlap the normal working hours of the employee. The Primary Employment Department is responsible for verifying that the employee records annual and/or personal leave on their timesheet if the supplemental employment hours coincide with and/or overlap the normal working hours of the employee.

Employees offered supplemental employment are required to meet the minimum qualifications of the position. If an employee's primary employment is non-exempt, per FLSA regulations, the employee must be classified as non-exempt in the supplemental employment even if that position, standing alone, would be considered exempt.

A full-time forty (40) hour per week regular non-exempt employee in a supplemental employment situation is placed in an overtime status for all secondary hours worked. The Supplemental Employment Department is responsible for all overtime costs. Regular full-time employees are not

entitled to nor do they accrue leave or any other benefits associated with their supplemental assignment, including compensatory leave, except when mandated by law.

Regular staff members recording unplanned annual, sick, and/or personal time on their primary employment timesheet while simultaneously recording work hours on a supplemental employment timesheet may be cause for disciplinary action.

The supplemental employment duties and responsibilities should differ from the duties and responsibilities of the employee's regular primary position. An overlap of duties and responsibilities between the primary employment assignment and the supplemental employment assignment may constitute a conflict of interest and/or commitment. The OHR shall verify that the supplemental employment does not involve duties that are among the employee's primary employment duties.

Approval of a supplemental employment assignment is contingent upon satisfactory job performance in the primary employment position. Satisfactory job performance in the primary position may be determined by discussion with the primary supervisor or upon review of documentation regarding performance, such as past performance evaluations, written warnings, performance improvement plans, counseling statements, or any other documents detailing work-related performance.

Supplemental employment assignments are subject to performance evaluations, review of job duties, and/or desk audits, and job descriptions associated with supplemental employment assignments are subject to revisions and changes. Supplemental employment is at-will and the supplemental employment assignment may be terminated without notice at the discretion of the Supplemental Employment Department, upon request of the Primary Employment Department, or Human Resources.

Supplemental employment assignments are not entitled to merit or cost-of-living adjustments (COLA).

Employment in a supplemental assignment that is grant-funded is subject to all of the stipulations of the grant, in addition to the procedures outlined in this document. Supplemental grant-funded employment assignments are subject to immediate termination upon the expiration of grant funds.

Reasonable accommodations for individuals with disabilities will be considered for supplemental assignments, following established procedures. Individuals who have, or are considering requesting, reasonable accommodation should indicate all positions and/or assignments, for which the accommodation is being requested. An accommodation granted previously for an individual's regular full- or part-time position does not automatically apply to a supplemental employment assignment offered after the initial accommodation determination was made.

Employees looking to request reasonable accommodation for a disability should complete the *Accommodation Request Form* on the Office of Diversity & Equal Employment Opportunity website, found here: <https://www.morgan.edu/diversity-and-equal-employment-opportunity/forms>. Regular staff members on a leave of absence are not permitted to accept a supplemental assignment, nor perform any job duties related to a supplemental assignment, while on leave from their primary role. Using the *Supplemental Employment Certification Form*, the Office of Human Resources and the Primary Employment Department are responsible for confirming that the supplemental employment assignment will not interfere with the performance of the employee's primary duties and

responsibilities, nor will it interfere with the employee's ability to perform their primary duties fairly and impartially.

A supplemental employment arrangement is not to be confused with a consulting arrangement. The University will not hire its employees to perform paid consulting activities. The employee is responsible for confirming and agreeing to the information on the *Supplemental Employment Certification Form* and is individually responsible for compliance with the State of Maryland Ethics Law.

Determination and Payment

The Office of Human Resources (OHR), with input from both the Primary Employment Department and the Supplemental Employment Department, shall make a determination on all supplemental employment requests prior to engaging the services of the employee. The OHR will consider the appropriate University policies and practices and federal and state labor laws and regulations when making a determination related to supplemental employment, including the Fair Labor Standards Act, Department of Labor regulations, and State of Maryland Ethics Regulations, among others.

A supplemental employment EPAF may proceed through the remainder of the workflow approvals, only after the *Supplemental Employment Certification Form* is completed and signed by the Employee, the Primary Employment Department, and the Supplemental Employment Department.

No regular full-time non-exempt (hourly) employee shall routinely and/or consistently perform duties in a supplemental employment arrangement, as this places the employee in an overtime status for all supplemental hours worked. Supplemental employment for full-time regular non-exempt personnel will be permitted only in limited or emergency situations as determined by the OHR. Part-time non-exempt employees are eligible for multiple contracts that do not exceed 100% full-time equivalent (FTE) or forty (40) hours per week.

Regular non-exempt employees whose primary employment schedule is forty (40) hours per week, shall record supplemental hours worked on a supplemental employment timesheet as overtime hours. Part-time regular non-exempt employees are eligible for multiple assignments if the combined totals for the assignments do not exceed 100% FTE or forty (40) hours per week. Exempt employees should record supplemental hours worked on a supplemental employment timesheet as regular hours.

All work must be tracked in hours and paid according to an hourly rate. Employees who are approved for supplemental employment shall submit timesheets for the supplemental employment assignment, except for supplemental adjunct faculty or teaching contracts. Adjunct faculty contracts are paid incrementally on specific pre-determined dates. Generally speaking, regular full-time staff members will be limited to ten (10) hours per week commitment on a supplemental employment assignment or teaching two (2) adjunct faculty courses during any given semester or a combination of one (1) adjunct faculty assignment and a maximum of five (5) hours on a non-faculty supplemental assignment.

Supplemental employment is generally paid according to a contract. The regular and contractual payroll systems and processes are separate. Regular employees who accept supplemental employment may be required to complete and submit updated tax documents and a direct deposit

form to the Central Payroll Bureau, to receive payment under the supplemental employment contract. Contact the Office of Human Resources for assistance with these documents.

Supplemental employment assignments that are contractual in nature are subject to payroll and timesheet submission deadlines. Additional information regarding timesheets and payroll deadlines can be found on the [Human Resources website](#).

Additional Resources

Federal Department of Labor: <https://www.dol.gov>

Code of Maryland Regulations: https://elections.maryland.gov/laws_and_regs/regulations.html

Maryland State Ethics Commission: <https://ethics.maryland.gov/>

Maryland Department of Labor, Licensing, & Regulation: <https://www.labor.maryland.gov/>

Morgan State University – Office of Human Resources website: <https://www.morgan.edu/hr>