

Subject: Classified employees in dual employment situations either with other State agencies or within CSU-Pueblo through supplemental agreements

Purpose: To define the requirements that must be satisfied when classified employees who are working for CSU-Pueblo take a second job with another State agency or when a CSU-Pueblo classified employee has been granted a supplemental compensation agreement to perform additional work outside the normal scope of his or her employment.

Administrative Oversight: The Human Resources Department will serve as the administrative resource for overseeing compliance with this procedure. University Directors, Deans and Appointing Authorities are responsible for ensuring that the Human Resources Department is consulted in dealing with the situations addressed by this procedure.

Background: There are occasions when CSU-Pueblo classified employees obtain a second employment with another agency of the State of Colorado. Those situations require the creation of agreements as described in section 3-32 of the State Personnel Rules. The provisions of the State Personnel Rules are primarily concerned with ensuring compliance with state and federal overtime laws.

There are also occasions when CSU-Pueblo classified employees are given teaching opportunities at CSU-Pueblo and are paid through supplemental agreements for that purpose. Those agreements are also subject to overtime considerations and must be written in a manner that addresses overtime issues as appropriate to the specific circumstances.

The University also has an interest in ensuring that any workers compensation or unemployment insurance obligations arising from a CSU-Pueblo employee working for another State agency are handled appropriately

Definition: Classified employees are those employees whose terms of employment are determined by the Colorado State Personnel System.

Eligibility: All Classified Employees

Process:

1. The State Personnel Rules at 3-32 provides the following requirements for situations in which a classified employee is working for both CSU-Pueblo and another agency of the State of Colorado.

“In a properly authorized dual employment arrangement, the written agreement shall include the exemption status designation based on the combined duties, the department responsible for paying any overtime, and the overtime hourly rate. The overtime rate is either the regular rate from one of the jobs or a weighted rate from both jobs. Work time from both jobs is combined to calculate overtime.”

In order to ensure that a fully compliant written agreement is in force when a classified employee of CSU-Pueblo is also employed by another agency of the State of Colorado, the Human Resources Department should be consulted.

When a current CSU-Pueblo employee is taking an additional job with another State agency, the new employing agency should prepare an agreement with the employee and CSU-Pueblo indicating that the rate to be paid to the employee by that agency will be an overtime rate based on the employee's rate of pay at CSU-Pueblo. The agreement should also specify that the new employer will be responsible for any Workers Compensation liability arising out of that employment. Any Unemployment Insurance obligation that arises out of the new employment will be the responsibility of the new employer. Other concerns as may be usefully addressed may also be addressed in the agreement.

If the circumstances do not permit an agreement as indicated above, then an appropriate alternative agreement can be made consistent with State Personnel Rule 3-32. The agreement should include a provision indicating that the new employer, not CSU-Pueblo will be responsible for paying for overtime at the appropriate rate. The agreement must also provide that any Workers Compensation and Unemployment Insurance liabilities arising from the non-CSU-Pueblo employer be covered by the non-CSU-Pueblo employer.

The appropriate appointing authority at CSU-Pueblo can sign the agreement for CSU-Pueblo.

The Human Resources Department will assist with the review of the agreement and will assist the appropriate Department Director, Dean or Department Chair in administering the agreement as necessary.

2. When a CSU-Pueblo classified employee is given a contract to perform teaching services or other services for which a supplemental agreement is used, the agreement must specifically address the manner in which overtime hours, if any, must be paid. The Human Resources Department will assist with the drafting of an agreement and will assist the appropriate Department Director, Dean or Department Chair in administering the agreement as necessary. Agreements of this kind must be signed by the appropriate CSU-Pueblo appointing authority(s) and the CSU employee.

3. This procedure will be posted on the CSU-Pueblo Human Resources Department website. Questions about this procedure may be directed to the Human Resources Department.

Terms & Conditions:

All such agreements must have a specific expiration date and should be no longer than a single year in duration. If renewal of the agreement is deemed to be in the best interests of the University, the details of the agreement should be reviewed by the Human Resources Department and updated in accordance with any changes in the State Personnel Rules and applicable state and federal regulations before the agreement is renewed. A copy of each agreement must be placed in the employee's personnel file.