

Policy #1306

Extra Employment for Faculty Members Within the University

Date of Current Revision: October, 2008

Responsible Officer: Provost and Senior Vice President, Academic Affairs

1. PURPOSE

This policy provides guidelines for the assignment of and payment for work at the university in addition to or instead of the regular assigned work of a full-time instructional faculty member, Administrative and Professional Faculty member, or exempt staff member.

2. AUTHORITY

The Board of Visitors is given the authority to establish personnel policies for all employees of the university. This power is delegated to the President in areas in which the Board has not established policy. The university's authority to grant additional pay for extra employment of faculty members is in some instances constrained by federal regulations. See OMB Circular A-21.

3. DEFINITIONS

Academic Unit Head:

An academic department head or its functional equivalent.

A&P Faculty Member:

Administrative and Professional faculty member. The members of the faculty who have responsibilities that include administration and the performance of professional services for the university.

Contract Period:

For the purposes of this policy, faculty members on an academic year appointment have a contract period defined by the university as lasting approximately nine months, from mid-August through mid-May. For faculty members on a 12-month or calendar year appointment, this period is defined as lasting from July 1 through June 30. Other specific contract periods may be specified in the terms of an individual contract.

Exempt Staff Member:

A member of the classified staff who holds a position exempt from the overtime provisions of the Fair Labor Standards Act.

Instructional Faculty Member:

The members of the faculty who have responsibilities that include teaching, research and service as the majority of their duties.

Outside Employment:

Work performed outside of any relationship with the University. The policy on outside employment is Policy 1304.

Outside Funding Source:

Any private, state, or federal government entity providing funding to the university through a grant, contract, or other external sponsoring agency transaction with the university, including any other university and any foundation, including university-affiliated foundations.

Overload Employment:

Any temporary additional work accomplished by a faculty member or exempt staff member for the university during the contract period for extra compensation in addition to full, contracted workloads. The employee/employer relationship between the faculty member and the University remains intact during overload employment.

Reassigned Time:

Time within the faculty member's contract period during which a faculty member or exempt staff member is reassigned from normal duties to accomplish special assignments without additional compensation.

Sponsored Work:

Any work performed by a faculty member under a grant, contract or other external sponsoring agency transaction between the university and an outside funding source.

Summer Teaching:

Classes taught by the faculty member during one or more of the summer sessions at the university.

4. APPLICABILITY

This policy applies to all full-time instructional faculty members, A&P faculty members and exempt staff members at the university. It applies to all work by the faculty member or exempt staff member for the university within or outside of the scope of the faculty member's regular assigned work, both during the term of the faculty member's contract period and at times between contracted periods of employment (usually summer months).

5. POLICY

The assignment of duties for an instructional faculty member is determined by the academic unit head in consultation with the faculty member and with the approval of the dean.

The assignment of duties for an A&P faculty member or an exempt staff member is determined by the faculty or staff member's supervisor. Temporary assignment of extra work during the employment period may result in additional pay or reassigned time only within the procedures herein.

No instructional faculty member, A&P faculty member or exempt staff member may be paid compensation in addition to his or her regular salary during the contract period unless the procedures of this policy are followed. A faculty member who is hired by the university to perform work outside of the contract period may be paid for such work only under the terms of this policy and procedure.

6. PROCEDURES**6.1. Overload vs. Reassigned Time during the contract period.**

Instructional faculty members, A&P Faculty Members and exempt staff members may be temporarily assigned duties over and above their normal duties during the contract period. A faculty or staff member may receive overload pay for assignments over and above his or her regular duties during the contract period. Alternatively, a faculty or staff member may receive reassigned time from regular duties in order to perform special assigned duties during the contract period. Generally, reassigned time and overload pay may not occur at the same time. Approval for reassigned time combined with overload pay, where the combination of extra duties and the duties remaining from the regular work load after reassigned time exceed the normal workload of the faculty or staff member, require advanced approval in

writing from the academic unit head or director, and the dean or Assistant/Associate Vice President ("AVP").

6.2. Workload Adjustment or "Banking" Teaching Credit.

An instructional faculty member's workload may be adjusted by giving the faculty member reassigned time to reflect especially heavy teaching assignments in the immediate prior, current, or immediate future semester. The workload may also be adjusted to reflect "credit" for uncompensated teaching outside the contract period. With approval of the academic unit head and dean, a faculty member may teach in non-contract period semesters and "bank" the course(s) taught, such course(s) to be exchanged for reassigned time (a reduced teaching load) during a future semester.

6.3. Approval.

Overload employment must be approved by the department head or director and the dean or AVP.

6.4. Reassigned Time.

Reassigned time is determined and assigned by the Academic unit head or director, with the concurrence of the dean/AVP. Reassigned time from normal duties (without a corresponding reduction in salary) is authorized only for official University or State business and it must be reflected on the Departmental Faculty Planning Information Form for instructional faculty members.

6.5. Externally Sponsored Work During the Contract Period.

Work performed under a university grant, contract or other sponsoring agency transaction with an outside funding source during the academic year for an instructional faculty member or during the term of the contract with an A&P faculty member or exempt staff member is usually not considered an overload assignment. A faculty or staff member may not be paid additional compensation for such work unless specific federal regulations are met. To meet federal regulations (Office of Management and Budget Circular A-21), the following three tests must be met:

- a. Work must be in addition to the faculty or staff member's regular duties,
- b. Additional compensation for the work performed by the faculty or staff member must be approved in advance by the granting or contracting agency, and
- c. The work of a faculty member must either be across departmental lines or for a different division or college (i.e., from the division or college in which the faculty member performs under his or her regular contract), or must occur at a remote location from the faculty member's regular workplace.

The pay for such additional work must be proportional to the rate of pay under the faculty or staff member's regular contract.

For details, see the Office of Sponsored Programs.

6.6. Sponsored Work Outside of the Contract Period for employees on academic year or shorter contracts.

Work performed and paid for from an outside funding source during the summer (or other times when a faculty or staff member is not under contract to the university, if the faculty member is on other than a regular academic year appointment) may be considered an overload assignment or a separate contractual arrangement, depending on the application of

specific federal regulations (OMB A-21). In either case, the total compensation for such additional work and all other work performed outside of the contract period by the faculty or staff member for the university is strictly limited to a proportional part of the regular base salary (i.e., for summer work by an academic year faculty member, one-third of a faculty member's regular academic year base salary for work taking all three months of the summer, or proportionally less for less time worked). If it is determined that such work constitutes an overload and all other federal requirements are met, the assignments will be made by the department using a PAR Form to hire the faculty member as a temporary employee, as described in policies [1311](#) and [2201](#). For details, see the Office of Sponsored Programs.

6.7 AP Faculty members and teaching

AP Faculty members may only be compensated for teaching undergraduate or graduate courses that occur outside their scheduled working hours. AP Faculty members may agree to teach courses during their scheduled work hours with the approval of their supervisor, but may not receive additional compensation for teaching the course(s).

6.8. State Regulations.

Faculty and staff members employed by the University are employees of the Commonwealth, and during the term of their contracts they may engage in work for the Commonwealth in only one of the following four categories:

- As intended in their employment contract. (No extra compensation authorized.)
- As assigned by the president, senior vice president, dean or department head/director as reassigned time. (No extra compensation authorized.)
- As assigned by the president, senior vice president, dean or department head/director for a work overload. (Extra compensation authorized must be handled through payroll.)
- In unusual circumstances, as a private contractor, when a proper contract has been duly negotiated and signed by the university in accordance with state directives. All service contracts of this nature will be issued by the Assistant Vice President for Finance in accordance with state directives. In general, an employee may not have a personal interest in a contract with the university other than his or her employment contract. However, in certain circumstances, exceptions may apply. In these instances, Conflict of Interest regulations will be strictly enforced.

[Go to Conflict of Interest Policy](#)

7. RESPONSIBILITIES

The academic unit head is responsible for the assignment of duties to an instructional faculty member, in consultation with the faculty member.

The supervisor is responsible for the assignment of duties to an A&P Faculty Member or exempt staff member.

The dean or AVP is responsible for reviewing such.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment

9. EXCLUSIONS

This policy does not apply to any instructional or A&P faculty member performing work entirely outside of the scope of employment with the university as an independent contractor.

This policy does not apply to work performed by the faculty member for any other employer. See Policy 1304.

Payment for teaching that occurs outside of the contract period and is not part of the regular duties of an instructional faculty member is negotiated between the faculty member and his or her academic unit head or supervisor, and is not restricted in amount if no sponsored work is performed by the faculty member during the period outside of the contract period.

This policy does not apply to resources spent by the university as payment for professional development of faculty members.

10. INTERPRETATION

The authority to interpret this policy rests with the President, and is generally delegated to the Provost and Senior Vice President for Academic Affairs where it concerns Instructional Faculty and the appropriate senior vice president where it concerns AP Faculty.

Previous version: October, 2005

Approved by the President: October, 2008

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