

5.01.05.00 Outside Employment and Extra Compensation for Additional Assignments



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Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to establish standards for permissible outside employment and the payment of extra compensation for additional assignments for employees throughout the TBR system.

Definitions

- Outside Employment - any employment outside an employee's regular employment with a TBR institution or the System Office. This includes self-employment.
- Additional Assignment - an assignment of duties within the current employing Institution or System Office, but not within the existing job description of an employee.
- Extra Compensation - compensation over and above the regular compensation of an employee paid for an additional assignment.
- Overload Assignment - employment at an employee's institution or another TBR institution of no more than 2 courses per semester or trimester for extra pay.
- Course - a unit of teaching that lasts one academic term, including mini-terms, and other periods shorter than a semester or trimester.

Policy/Guideline

I. Introduction

- A. Full-time employment with the Tennessee Board of Regents demands an individual's full-time professional expertise, commitment, and energies. The assigned teaching load of a full-time TBR faculty member constitutes a full-time assignment.
- B. However, the Tennessee Board of Regents recognizes the value to its students, its personnel, state institutions of higher education, and to the citizens of Tennessee arising from outside consulting and other professional experiences by employees. Such activities contribute to the economic development of the state and bring credit to the institution. These activities also create valuable links between the institutions and their communities.
- C. The Board also recognizes that, under certain conditions, employees may be requested to perform additional assignments for which extra compensation may be warranted.

II. Outside Employment – Disclosure and Approval

- A. Section II of this policy applies only to full-time employees. All employees, including part-time employees, must comply with TBR Policy 1.02.03.10, Conflict of Interest.
- B. Upon initial employment, an employee must disclose any existing outside employment that they intend to continue and seek approval in accordance with this policy.
- C. Once employed, prior to engaging in a new outside employment opportunity, and annually for existing ongoing opportunities, an employee must notify appropriate supervisors and the president/chancellor or designee of the nature or activity of the work, name of the employer, the anticipated beginning and ending dates, and the expected time commitment and obtain approval. A copy

of the approval must be provided to the institution's Human Resource Office.

Exhibit 1 is a form approval memorandum.

- D. Approval may be provided only for outside employment and additional assignments that:
 - 1. Are performed in addition to normal working assignments and responsibilities;
 - 2. Do not interfere with assigned duties and responsibilities or with regular institutional operations;
 - 3. Are consistent with Tennessee Board of Regents policies, guidelines, and state law;
 - 4. Do not constitute a conflict of interest or commitment or compete with the institution's education, research, or public service programs;
 - 5. Require only a reasonable time commitment from the employee; and
 - 6. Are not undertaken with an inappropriate claim that the individual is officially representing the institution in connection with the employment.
- E. If the employment involves other agencies, departments, or institutions of Tennessee State government, it is also subject to prior approval by an appropriate representative of the other agency, department, or institution. Services rendered by a TBR employee to another state agency or institution of higher education will be paid by the contracting agency to the TBR institution in accordance with the applicable TBR policies and procedures, including Contracts Guideline G-030.
- F. Each institution shall develop procedures relating to outside employment and extra compensation for additional assignments that are consistent with Tennessee Board of Regents policy.

III. Additional Assignments for Faculty

- A. Faculty acceptance of additional assignments, including overload assignments, for instruction or other purposes, is strictly voluntary.
- B. Overload assignments are based on the needs of the institution but should not be used on a long-term basis or in lieu of hiring qualified faculty or instructors to fill a continuing need.
- C. Supervisors must be careful to protect faculty against excessive time commitments.
- D. Institutions may develop policies for faculty regarding outside employment, overload assignments, and/or extra assignments that are more restrictive than the TBR policies. Any such standards must be consistent for all full-time faculty members within that institution. All policies regarding outside employment, overloads, and extra compensation must be approved by the Tennessee Board of Regents Offices of Academic Affairs and General Counsel.

IV. Rates of Compensation for Overload Assignments to Faculty

- A. Community Colleges: the minimum rates per credit hour of instruction, as articulated in TBR Guideline P-055 must be applied when calculating compensation for overload assignments for full-time faculty or staff teaching credit courses at community colleges. This includes courses that are taught in any mini-term that is academically attached to fall or spring semester (e.g., winter-mester courses).
 - 1. Compensation for overload assignments must be based on the instructor's highest degree, rank, and experience within their academic unit at their institution.
 - 2. With the approval of the Chancellor, presidents or their designees may approve exceptions to these minimum rates.
 - 3. Presidents or their designees may approve rates that are greater than those stated in TBR Guideline P-055 as long as the rates are applied

consistently for similar faculty (degree, rank, and experience) within the same academic unit.

- B. TCATs: Presidents or their designees may establish overload rates and assignments based on factors including highest degree, rank, experience, salary, and area of expertise.

V. Exceptions - This policy does not apply to:

- A. Ordinary short-term professional activities such as participation in symposia, accreditation visits, speaking engagements, exhibitions, or recitals, even though honoraria may be received for such participation, or to sporadic extra-professional activities such as providing occasional childcare. Such activities are subject to the applicable laws and policies regarding conflicts of interest.
- B. Activities to be performed outside the employee's terms of employment, e.g., summer for faculty. Salaries paid to academic year faculty for teaching in summer session, which are addressed in TBR Policy 5.02.04.10.

VI. Sanctions

- A. Failure to comply with the requirements of this policy will result in disciplinary action, up to and including termination of employment.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.



Sources

Authority

T.C.A. §§ 49-8-203; 49-5-410

History

TBR Meetings, March 10, 1979; September 30, 1983; TBR Meeting September 21, 1990; TBR meeting March 15, 2002, TBR Meeting December 2, 2005; Revised at Board Meeting March 21, 2019; Revised at Board Meeting June 17, 2022.