



## TENNESSEE HIGHER EDUCATION COMMISSION

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**CONSENT CALENDAR ITEM:** II.A.

**MEETING DATE:** May 11, 2023

**SUBJECT:** Human Resources and Legal & Regulatory Policies  
HR1.0 – Outside Employment

**ITEM TYPE:** Action

**ACTION RECOMMENDATION:** Approval

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### **BACKGROUND**

THEC Human Resources Policy 1.0 – Outside Employment addresses the outside employment activities of Tennessee Higher Education Commission employees to ensure that outside employment does not conflict with their employment duties at THEC.

The proposed revisions were completed in order to clarify that the policy applies to all employees, including full-time, part-time, direct contract, subcontract, volunteer, or intern employees, to improve readability, and to align THEC policies with Tennessee Student Assistance Corporation (TSAC) policies.

Attachment A provides a redlined version of the policy and Attachment B provides a clean version of the proposed changes.

**ATTACHMENT A: REDLINED VERSION OF PROPOSED CHANGES**

**Section Title:** Human Resources

**Policy Title:** Outside Employment

**Policy Number:** HR1.0

1.0.1 **PURPOSE:** This policy addresses the outside employment activities of Tennessee Higher Education Commission (THEC) employees to ensure that outside employment does not conflict with their employment duties at ~~the Commission~~THEC.

1.0.2 **APPLICATION:** This policy applies to all ~~full time employees~~employees serving in a direct or indirect full-time, part-time, direct contract, subcontract, volunteer, or intern employment of ~~the Tennessee Higher Education Commission~~THEC.

1.0.3 **DEFINITIONS:** Outside employment is defined as the engagement in any line of business or the performance of any type of work or service for any person or entity other than that required by the employee's official position with ~~the Tennessee Higher Education Commission~~THEC. This is limited to outside employment performed for the purpose of obtaining wages, salary, fee, gift, or other compensation. Such outside employment also includes active participation in a business, including being an owner, part-owner, partner, corporate officer, or serving in a policy-making position for such business.

1.0.4 **POLICY:** As a condition of employment, all full time ~~Commission~~THEC employees shall abide by this policy. Any violation of this policy will result in corrective action, up to and including termination, at the discretion of the Executive Director.

1.0.4 A Full-time employment with ~~the Commission~~THEC demands an individual's full-time commitment, professional expertise, and attention to assigned responsibilities. Holding an appointment to a full-time position with ~~the Commission~~THEC constitutes acknowledgement of these requirements, and that the position shall be the employee's primary occupation. It is further understood that fulfillment of official duties for ~~the Commission~~THEC may require working beyond the regular work day or work week, and in such situations the work of the Commission shall take priority over any outside employment opportunity.

1.0.4 B Employees shall not engage in any outside employment that may affect the employee's ability to fulfill his or her official duties with ~~the Commission~~THEC. Additionally, full time employment with ~~the Commission~~THEC shall, at a minimum, require adherence to the State of Tennessee's standard work schedule and attendance consistent with the employee's job duties, with allowances for sick and annual leave. An employee's regular work schedule will generally consist of an uninterrupted 7.5 hour work day plus a lunch break.

1.0.4 C As a guide to determine the appropriateness of outside employment, consideration shall be given as to whether the outside employment will:

- (1) Result in a conflict of interest, or an apparent conflict of interest, with the employee's official duties and responsibilities or with regular ~~Commission~~THEC operations;
- (2) Interfere with the employee's efficient performance of official duties, work schedule, and responsibilities at ~~the Commission~~THEC;
- (3) Bring discredit to ~~the Commission~~THEC or cause unfavorable or justifiable criticism of ~~the Commission~~THEC;
- (4) Be performed entirely outside of ~~the Commission~~THEC offices, and with priority placed on normal working assignments and responsibilities;
- (5) Require only a reasonable time commitment from the employee; and,
- (6) Be undertaken with an inappropriate claim that the individual is officially representing ~~the Commission~~THEC in connection with the employment.

1.0.4 D Outside employment should not conflict with an employee's regular work schedule, and employees are required to work a standard, uninterrupted 7.5 hour work day. ~~The Commission~~THEC acknowledges there may be rare, isolated instances when outside employment conflicts with regular work schedules. Any outside employment commitment that conflicts with regular working hours must be formally approved in advance, in writing, by the Executive Director. Such approval shall include a written plan as to how the employee will work 37.5 hours in any week in which the outside employment conflicts with the regular work schedule, with additional assurance that the employee's work product and responsibilities will not be compromised. A copy of the approved plan shall be placed in the official personnel file of the employee. After the required approvals have been issued, if the employee is unable to fulfill the required 37.5 work hours in any week due to outside employment activities, annual leave must be utilized for the shortfall, documentation of which must be provided to the Executive Director.

- 1.0.5 A      **PROCEDURE:** ~~Commission~~THEC employees with outside employment obligations that are limited to hours beyond the standard work day, on weekends and/or state holidays, will not be required to notify or seek approval for such employment as long as the outside employment does not conflict with this policy.
  
- 1.0.5 B      ~~Commission~~THEC employees with outside employment obligations that involve higher education, consulting, or as a business owner, part-owner, partner, corporate officer, or in a policy making position, and their involvement is limited to hours beyond the standard work day, on weekends and/or state holidays, shall disclose the outside employment obligation in writing to their immediate supervisor, and a copy shall be filed with the Executive Director and placed in the employee's official personnel file.
  
- 1.0.5 C      Commission employees wishing to engage in outside employment with other agencies, departments, or institutions of state government, shall first obtain the approval of the Executive Director and will be subject to prior approval of the President, Director, or appropriate representative of the other agency, department, or institution. Such services to another state agency or institution of higher education shall be paid by the contracting agency to ~~the~~ ~~Commission~~THEC in accordance with a dual services agreement.
  
- 1.0.6      It shall be the duty of the employee to provide notice and/or seek approval in writing on a timely basis as required by this policy.

**Approved:** July 27, 2006

**Revised:** January 26, 2017; May 11, 2023

**ATTACHMENT B: CLEAN VERSION OF PROPOSED CHANGES**

**Section Title:** Human Resources

**Policy Title:** Outside Employment

**Policy Number:** HR1.0

- 1.0.1 **PURPOSE:** This policy addresses the outside employment activities of Tennessee Higher Education Commission (THEC) employees to ensure that outside employment does not conflict with their employment duties at THEC.
  
- 1.0.2 **APPLICATION:** This policy applies to all employees serving in a direct or indirect full-time, part-time, direct contract, subcontract, volunteer, or intern employment of THEC.
  
- 1.0.3 **DEFINITIONS:** Outside employment is defined as the engagement in any line of business or the performance of any type of work or service for any person or entity other than that required by the employee's official position with THEC. This is limited to outside employment performed for the purpose of obtaining wages, salary, fee, gift, or other compensation. Such outside employment also includes active participation in a business, including being an owner, part-owner, partner, corporate officer, or serving in a policy-making position for such business.
  
- 1.0.4 **POLICY:** As a condition of employment, all full time THEC employees shall abide by this policy. Any violation of this policy will result in corrective action, up to and including termination, at the discretion of the Executive Director.
  
- 1.0.4 A Full-time employment with THEC demands an individual's full- time commitment, professional expertise, and attention to assigned responsibilities. Holding an appointment to a full-time position with THEC constitutes acknowledgement of these requirements, and that the position shall be the employee's primary occupation. It is further understood that fulfillment of official duties for THEC may require working beyond the regular work day or work week, and in such situations the work of the Commission shall take priority over any outside employment opportunity.
  
- 1.0.4 B Employees shall not engage in any outside employment that may affect the employee's ability to fulfill his or her official duties with THEC. Additionally, full

time employment with THEC shall, at a minimum, require adherence to the State of Tennessee's standard work schedule and attendance consistent with the employee's job duties, with allowances for sick and annual leave. An employee's regular work schedule will generally consist of an uninterrupted 7.5 hour work day plus a lunch break.

- 1.0.4 C As a guide to determine the appropriateness of outside employment, consideration shall be given as to whether the outside employment will:
- (1) Result in a conflict of interest, or an apparent conflict of interest, with the employee's official duties and responsibilities or with regular THEC operations;
  - (2) Interfere with the employee's efficient performance of official duties, work schedule, and responsibilities at THEC;
  - (3) Bring discredit to THEC or cause unfavorable or justifiable criticism of THEC;
  - (4) Be performed entirely outside of THEC offices, and with priority placed on normal working assignments and responsibilities;
  - (5) Require only a reasonable time commitment from the employee; and,
  - (6) Be undertaken with an inappropriate claim that the individual is officially representing THEC in connection with the employment.

1.0.4 D Outside employment should not conflict with an employee's regular work schedule, and employees are required to work a standard, uninterrupted 7.5 hour work day. THEC acknowledges there may be rare, isolated instances when outside employment conflicts with regular work schedules. Any outside employment commitment that conflicts with regular working hours must be formally approved in advance, in writing, by the Executive Director. Such approval shall include a written plan as to how the employee will work 37.5 hours in any week in which the outside employment conflicts with the regular work schedule, with additional assurance that the employee's work product and responsibilities will not be compromised. A copy of the approved plan shall be placed in the official personnel file of the employee. After the required approvals have been issued, if the employee is unable to fulfill the required 37.5 work hours in any week due to outside employment activities, annual leave must be utilized for the shortfall, documentation of which must be provided to the Executive Director.

1.0.5 A **PROCEDURE:** THEC employees with outside employment obligations that are limited to hours beyond the standard work day, on weekends and/or state

holidays, will not be required to notify or seek approval for such employment as long as the outside employment does not conflict with this policy.

- 1.0.5 B THEC employees with outside employment obligations that involve higher education, consulting, or as a business owner, part-owner, partner, corporate officer, or in a policy making position, and their involvement is limited to hours beyond the standard work day, on weekends and/or state holidays, shall disclose the outside employment obligation in writing to their immediate supervisor, and a copy shall be filed with the Executive Director and placed in the employee's official personnel file.
- 1.0.5 C Commission employees wishing to engage in outside employment with other agencies, departments, or institutions of state government, shall first obtain the approval of the Executive Director and will be subject to prior approval of the President, Director, or appropriate representative of the other agency, department, or institution. Such services to another state agency or institution of higher education shall be paid by the contracting agency to THEC in accordance with a dual services agreement.
- 1.0.6 It shall be the duty of the employee to provide notice and/or seek approval in writing on a timely basis as required by this policy.

**Approved:** July 27, 2006

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