



## **Guidelines for Handling and Processing Compensation for Secondary Assignments within the University**

Compensation for employees hired by other University appointing authorities on a temporary or casual basis is defined and will be handled as follows:

### **DEFINITIONS and USES**

- This guideline applies to those employees who are classified, nonclassified or faculty equivalent/academic professional (FEAP) in their primary assignments. It also applies to those whose primary assignments are faculty, when the secondary assignment is one in which the work is hourly, temporary, casual and/or event-based.
- An employee's primary assignment is his/her benefits-eligible and/or greater-FTE assignment; and a secondary assignment is any job or assignment an employee holds with WVU outside of this primary assignment.
- An assignment held with any other WVU college, school, department, division, unit or campus but paid through WVU payroll is a secondary WVU assignment.
- All secondary assignments are considered either casual or temporary; in no cases shall an employee hold more than one benefits-eligible assignment. (For example, an employee with a primary assignment of .60 FTE may not also hold a .54 FTE [.53 FTE for faculty] assignment on a secondary basis.)
- Compensation for any secondary assignment(s) is on a strictly monetary basis. CTO may not be offered or accepted for work performed in a secondary assignment.
- Secondary or supplemental assignments are all non-benefits eligible and do not provide paid leave, paid holidays or the opportunity for catastrophic leave. Employees do not accrue additional service time (e.g., for longevity, retirement, service awards) in secondary assignments.
- Less than 12-month employees who are scheduled to work in their same assignments in their off-contract months are not to be placed into secondary assignments; their primary assignments should be altered or extended to encompass the additional work.
- Employees must notify the supervisors of their primary assignment in writing [see the Secondary Assignment Request/Approval Form] and receive permission to accept a supplemental assignment before they work in a secondary assignment.
- A secondary/supplemental assignment must be established in MAP for the employee before the employee may work the secondary assignment or be paid. A description of duties must accompany any requests to Talent and Culture, Classification and Compensation unit, which will establish a secondary assignment and the appropriate rate of pay (see accompanying request form for job description information).
- The work required of an employee by a secondary or supplemental assignment shall not take precedence over that of his/her primary assignment; that is, the employee is expected to adhere to the work schedule and fulfill the duties of his/her primary assignment in full before reporting for a secondary assignment. Supervisors/managers of the primary assignments are not obligated to approve the use of annual or accrued CTO so that employees can work at their secondary assignments.
- The primary unit should not incur or pay for the costs of work completed/performed for the secondary assignment without the written approval of the supervisor/administration of the primary assignment.
- Supervisors may deny employee requests to accept secondary or supplemental assignments if the assignment would cause a financial or operational burden on the primary employing unit

(such as overtime or the processing of overtime), or if the time schedule required of the secondary assignment conflicts with or may conflict with that of the primary assignment.

- A part-time regular position (that is, an ongoing position of less than .54 FTE for a 12-month assignment) is a regular assignment; it is, therefore, not to be considered a secondary assignment. An employee is not permitted to hold more than one part-time regular assignment, even if the FTE combination of the two assignments would be less than 1.0 FTE for 12 months.
- Employees exempt in their primary assignments with the University (that is, in their benefits-eligible positions or higher-FTE positions) may, with supervisory/managerial approval, hold secondary assignments at hourly rates established for each secondary assignment. The employee will not be paid overtime unless s/he exceeds 40 hours per workweek in the secondary assignment, and then only on the total hours worked in the second assignment; hours worked in the primary exempt assignment are not added into any calculation for overtime. Any overtime will be paid based on the rate for the secondary assignment.
- Employees non-exempt in their primary assignments with the University (that is, in their benefits-eligible positions or higher-FTE positions) may, with supervisory/managerial approval, hold secondary assignments at hourly rates established for each secondary assignment. Whether the secondary assignment is non-exempt or would typically be considered an exempt one (such as a teaching or adjunct faculty assignment), the secondary assignment is to be treated as non-exempt/hourly, and the employee must be compensated on an overtime (time-and-one-half) basis once s/he exceeds 40 hours per workweek [combining all hours worked, in both the primary and secondary assignment(s)]. That is, all assignments held by an employee who is non-exempt in his/her primary assignment will be considered non-exempt.
- Employees who are non-exempt in their primary assignments may not elect or earn CTO if they hold secondary assignments. An active election for CTO for a non-exempt employee who accepts a secondary assignment will be changed to Overtime payment status once the secondary assignment is approved and processed into MAP.
- Any overtime paid due to the employee's exceeding 40 hours in a workweek because of the secondary assignment is paid on the assignment in which the overtime hours are worked.
- If overtime occurs in the primary assignment as a result of hours worked in the secondary assignment, it will be the responsibility of the employee's primary assignment EBO to recover overtime monies from the secondary assignment's EBO.
- Seasonal, occasional or sporadic employment exception: Employees non-exempt in their primary assignments may, per the Fair Labor Standards Act (FLSA), be exempt from time-and-one-half compensation in their secondary assignment(s) if the work performed in the secondary assignment is of a seasonal nature or on a sporadic, occasional or infrequent basis. Such secondary assignments may include camp workers, athletic game workers, and others. Consult with the Classification and Compensation unit in Talent and Culture to determine if an assignment falls under this exclusion. If it does, the non-exempt employee will be paid the hourly rate determined for the supplemental assignment only, with no overtime compensation considerations or requirements.

## **BENEFITS AND SECONDARY ASSIGNMENTS**

When an employee is benefits-eligible in the primary assignment, some benefits will accrue in the secondary assignment and others will not. If an employee holds two part-time regular (PTR) assignments, the supervisors of each position should consult with Classification and Compensation.

- An employee who is benefits-eligible in his/her primary assignment will not accrue, earn or be able to use leave and holidays on a secondary assignment. Leave and holidays are earned, applied and used only in the primary position and never in any secondary assignment.
- A benefits-eligible employee who chooses or is assigned to work on a University-observed holiday in any secondary assignment will not earn holiday pay for hours worked. Compensation will be in the form of straight-time wages, unless and until the employee reaches 40 or more hours actually worked in the same workweek.
- If the employee's primary assignment is benefits-eligible, then per the 401(a) Plan Document regarding retirement, retirement will be deducted from the employee's compensation/wages earned in any secondary assignment; and WVU will match those dollars as appropriate and as called for in the Plan.
- Earnings from any secondary assignment will NOT, however, be included in wages reported for an employee to PEIA and will thus not affect the employee's PEIA premium.
- Compensation/wages earned by an employee in any secondary assignment will also NOT have an impact on long-term disability premiums, which are based on the employee's primary assignment compensation only.
- There may be situations in which a non-benefits eligible employee holds two or more secondary assignments, the schedule/work hours for which may make the employee eligible for health insurance coverage pursuant to the provisions of the Affordable Care Act because of the number of hours worked OR may make the employee eligible for other WVU benefits. In such cases, Benefits will consult with Classification and Compensation to determine benefits-eligibility, if any.

### **CLASSIFICATION AND COMPENSATION UNIT'S RESPONSIBILITY**

The Division of Talent and Culture, Classification and Compensation unit will establish the rate of pay for secondary assignments and advise supervisors and EBO's on appropriate overtime payments and other related compensation issues. C&C will also consult with Benefits Administration should situations involving non-benefits-eligible employees' working two or more assignments which might make them benefits-eligible.

### **EMPLOYEE'S RESPONSIBILITY**

An employee must submit a written request for permission to hold a secondary assignment ("Request for Approval of Secondary Assignment," attached) and receive appropriate approvals, prior to accepting and/or beginning work in a secondary/supplemental assignment. Once the secondary assignment is approved, the employee should work with his/her supervisor to change any standing CTO agreement to Overtime status.

### **SUPERVISOR'S/MANAGER'S RESPONSIBILITY**

The employee's supervisors in both the primary and secondary assignments are responsible for ensuring compliance with University policy and that the employee has in place an approved/signed "Request for Approval of Secondary Assignment." A copy of this document should be provided to the employee's EBO. Both supervisors should communicate with each other regularly to ensure that the employee is using University resources appropriately and accounting for work time accurately for both assignments.

### **EBO'S RESPONSIBILITY**

*Prepared by Classification and Compensation unit, Division of HR*

*Last Updated: November 2017*

It is the responsibility of the employee's primary EBO to pay all overtime incurred; it is the responsibility of the employee's secondary EBO to repay the primary EBO promptly for their expenditure of any overtime monies on the secondary EBO's behalf.

### **FURTHER INFORMATION OR ASSISTANCE**

For issues not specifically addressed or questions not answered in this document, please contact the Division of Talent and Culture, Classification and Compensation unit.

### **REFERENCES/AUTHORITIES**

Federal 29 C.F.R. PART 778 and the federal Fair Labor Standards Act (FLSA)

*\*Guideline is subject to revision as needed at any time, with changes to be effective upon signature by the Vice President for Talent and Culture*