

# CONSULTING AND OUTSIDE EMPLOYMENT

## Policy passed by University Council on 11-12-98

Updated and passed by University Council on 12-11-2008

### 1.0 PURPOSE

1.1 **Board of Regents' policy** enables dual employment (57.04), outside employment (57.05), and consulting and paid professional services (57.02), by qualified faculty and professional staff when such activities are beneficial to the employee and the university. This policy applies to faculty and exempt staff of the University of Houston-Clear Lake (UHCL).

1.2 This policy and its related procedures state the regulations to be followed to ensure compliance with BOR policy.

1.3 For purposes of this policy, consulting and other outside employment is defined as activities undertaken by UHCL faculty or exempt staff for remuneration from a third party, where the activity is within the scope of activities, functions, or expertise for which the individual is compensated by the University of Houston-Clear Lake.

### 2.0 DEFINITIONS

2.1 **BOR**: the Board of Regents of the University of Houston System.

2.2 **Dual Employment**: work performed for a state agency that is not a component university of the University of Houston System is considered dual employment.

2.3 **Multiple Employment**: work performed for another component university of the University of Houston System within the scope of activities, functions or expertise for which the University of Houston-Clear Lake compensates the individual is considered consulting or outside employment.

2.4 **Consulting and Outside Employment**: employment outside UHCL with a private sector entity that is concurrent with UHCL employment and is similar in range and scope to the employee's UHCL employment.

2.5 **UHS**: the University of Houston System.

2.6 **Exempt Staff**: Staff employees in positions that are not subject to the overtime provisions of the Fair Labor Standards Act. Exempt staff includes professionals, administrators and executives who are paid on a monthly basis.

2.7 **State Agency**: an agency of the State of Texas, including state-assisted institutions of higher education.

### 3.0 COVERAGE

3.1 This policy applies to faculty and exempt staff at the University of Houston-Clear Lake.

3.2 Any faculty member or exempt staff employee of UHCL who is concurrently employed at another

state agency will be subject to the overall benefits limitations for state employees. Coordination of benefits between the state agency employers is required to ensure that overall benefits limitations are observed.

3.3 Non-exempt employees of UHCL and student workers employed in positions for which student status is a prerequisite for employment are not subject to the provisions of this policy.

3.4 Unpaid public service is not covered in this policy nor are lectures that include fees, unless these activities require significant amount of time, more than one day or otherwise adversely affect the employee's performance of assigned duties.

## 4.0 GENERAL PROVISIONS

4.1 The first priority of regular, benefits-eligible employees, as far as their vocation is concerned, is the accomplishment of the duties and responsibilities assigned to their position of employment with UHCL. Consulting or other outside employment of employees is considered a secondary activity that may be engaged in only after duties and responsibilities to UHCL are fulfilled.

4.2 Each faculty member who engages in consulting or other outside employment, including teaching on a temporary basis at other institutions, during a semester in which the faculty member is assigned teaching duties must ensure that such activities do not require commitments of time averaging more than one day per calendar week (i.e. one day in seven). Such activities must be arranged so as not to interfere with regularly scheduled classes.

4.3 Faculty who wish to arrange consulting or other outside employment must provide prior written notification to the appropriate dean. Review by the dean, or designee, of such activities shall include consideration of any real or apparent conflict of interest, time, or commitment to UHCL and to the UH System. The dean may disapprove such activities if they conflict with primary UHCL duties.

4.4 Exempt staff employee must obtain prior written approval to engage in consulting and outside employment. The employee must submit a written request through his/her immediate supervisor to the appropriate administrator. Requests must include the employing entity, the nature of the proposed work, time commitment, duration and justification of benefit to the university.

4.6 No employee shall accept consulting or outside employment, which could result in any conflict of interest that would impair his/her independence of judgment in performance of university duties or induce the employee to disclose confidential information acquired through his/her position. (**System Administrative Memorandum 02.A.29-Ethical Conduct of Employees**) An employee who violates these standards is subject to discipline and dismissal from employment with the University of Houston-Clear Lake, regardless of whether the request to engage in such activities was approved.

4.7 Use of University of Houston-Clear Lake facilities, space, equipment or support staff for consulting and outside employment is not permitted unless financial arrangements have been made between the university and the employee, which adequately covers the university's costs, before the employee engages in such activities.

4.8 Employees may not represent themselves as acting in an official capacity on behalf of the University of Houston-Clear Lake when conducting consulting or outside employment. The University of Houston-Clear Lake is not responsible for any actual or implied obligations or liabilities incurred by the employee resulting from the consulting or other outside employment.

4.9 An employee may not accept an honorarium or any fees or gifts in consideration for any services performed in his or her official capacity on behalf of UHCL (excluding travel expense reimbursements).

4.10 Consulting and outside employment must be performed on the employee's own time. Authorizations for absences from an employee's official place of duty because of consulting or outside employment shall be requested and approved in accordance with university policy governing leave entitlements.

## 5.0 ANNUAL REPORTING

5.1 Employees who engage in consulting and/or outside employment must report this activity during annual mandatory training. In addition, employees must complete the **Consulting and Outside Employment Form**, obtain appropriate signatures and forward it to the Office of Human Resources for placement into the personnel file.

5.2 The Office of the Executive Vice President and Vice Chancellor for Administration and Finance (UHS) will prepare an annual report of all consulting and outside employment for the Chancellor's/President's annual report to the Board of Regents.

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Title: President  
University of Houston-Clear Lake

Approval Date: November 12, 1998

Sunset Date: December 11, 2018