

Outside & Additional Employment Procedures for Management Personnel Plan Employees

I. DEFINITIONS:

A. Outside Employment refers to any employment not compensated through CSU payroll. Employment compensated through the CSU payroll and reimbursed by a foundation, other auxiliary or other funding source is considered CSU employment. Employment directly compensated by a CSU foundation or other auxiliary is both Outside Employment and Additional Employment. Outside employment does not include volunteer work.

B. Additional Employment refers to any of the following compensated activities:

1. Any CSU employment in addition to an employee's primary appointment;¹
2. Work performed by a CSU foundation or other auxiliary, including work performed under a grant or contract not funded by general fund sources ("Sponsored Activity");
3. Work performed for the College of Continuing Education (CCE).

C. MPP: The Management Personnel Plan (MPP) under Cal. Code Regs., tit. 5, §42720 et. seq.

II. GUIDELINES:

A. Outside Employment:

1. MPP employees may engage in Outside Employment so long as such employment complies with campus and CSU (or system) policies governing Outside Employment and does not create a conflict of interest or conflict with the performance of their regularly assigned duties.

2. Under HR 2013-11, MPP employees must report any and all Outside Employment for which they are being compensated. MPP employees shall make a report of Outside Employment activity: (1) when hired; (2) within 30 days of taking outside employment; (3) annually by completing a disclosure form sent to them; and (4) within ten (10) days of being requested to do so by an appropriate administrator who deems it necessary to ascertain that the MPP employee's outside employment does not conflict with normal work assignments or satisfactory performance. The reporting form is [Attachment A](#).

B. Additional Employment:

¹ MPP employees who teach state supported courses may not receive additional compensation for doing so and, therefore, such teaching does not fall under this policy.

1. MPP employees must secure the written approval (e.g., signature on a proposal approval form) of their direct manager and division head (i.e., division vice president, Provost or President) as appropriate to engage in Additional Employment. A copy of the approval must be maintained by the College or division vice president and a copy forwarded to the entity for which the MPP is performing Additional Employment (e.g., CSU, CCE or University Enterprises, Inc.).

2. Additional Employment limitations are based on time-base, not salary. Although MPP employees [who are by definition exempt from the overtime provisions of the Fair Labor Standards Act (FLSA)] do not receive additional compensation for work considered part of their primary work assignments, under HR 2002-05 MPP employees may engage in and be compensated for Additional Employment to a maximum amount of twenty-five percent (25%) above a 1.00 full-time time-base (for a total of 125%) if the additional assignment is unrelated to the MPP employee's primary work assignment.

3. Allowable Hours:

a. An MPP employee may work no more than five hundred and twenty (520) hours (52 weeks x 10 hours) of Additional Employment in any calendar year.²

b. Daily and Weekly Limits on Additional Employment: As part of the 520 annual maximum, MPP employees may not engage in more than two (2) hours per work day or ten (10) hours per work week of Additional Employment unless:

i. The Additional Employment occurs on a vacation day, personal holiday, campus holiday or weekend and the MPP employee engages in no more than 10 hours of Additional Employment on the holiday, vacation or weekend day; or

ii. Approved in writing by the Provost or appropriate Vice President.

c. Academic Credit Courses taught at CCE: For every unit taught, forty-five (45) hours of additional employment hours will result. For example, a three-unit course will constitute one hundred and thirty-five (135) hours of Additional Employment.

d. Other compensated activities besides teaching an academic credit course at CCE: MPP employees must obtain approval in advance for the number of Additional Employment hours to be assigned to the activity from the Provost or appropriate Vice President.

4. Timesheets:

a. MPP employees seeking compensation for Additional Employment based on hours worked (vs. teaching a course) shall submit a timesheet (electronic or other as determined by the source of the Additional Employment) that records

² The additional two hours per day allowed is based on 125% x 8 hours for a total of 10 hours per day (although MPP employees as exempt employees may be required to work more than 8 hours).

work hours in compliance with this policy and applicable campus HR policies. The timesheet must include an attestation which provides:

- i. The recorded time accurately and fully reflects the time worked during the designated pay period.
- ii. The recorded time is consistent with the commitments outlined in the funding grant, contract or account parameters and follows the time limits and budgetary resources provided.
- iii. The recorded time spent on Additional Employment did not interfere with the performance of job responsibilities related to the individual's primary campus appointment.
- iv. A verification that acknowledges that any false statement may be considered grounds for disciplinary action and may expose the University and University Enterprises, Inc. (or other auxiliary) to civil and legal penalties and other actions by state or federal agencies.

5. Compensation Rates – Sponsored Project Activity through CSU or University Enterprises, Inc.:

a. Federal grants and contracts: the compensation rate must be the same as the CSU base rate of pay for the MPP employee's primary assignment.

b. Non-federal grants and contracts: The compensation rate for Additional Employment will typically be the same as the rate for the primary MPP employee's appointment, as is the case with federal sponsors. However, a different hourly rate is permitted for MPP employees engaged in Additional Employment funded via non-federal grants and contracts as allowed by the funding source (e.g., state agency or private corporation contract). If an MPP employee is to be paid an hourly rate above the MPP employee's regular base, the rate must be approved via the *Sponsored Programs Market Rate Justification* form (available from the Office of Research Affairs) which must be completed and routed with the Proposal Approval Form. No rate beyond the academic year rate set through the Office of Research Affairs may be approved.³

6. Compensation Rates – College of Continuing Education

CCE's compensation levels for additional teaching follow CSU and campus policies as follows:

- a. Additional teaching in academic credit programs use the approved salary scales 2322, 2323, 2357 (Summer Session) or other relevant salary scales as defined by policy.
- b. Additional teaching for non-credit teaching follows the guidelines of Technical Letter 2007-20 or its successor.

³ The rate as of the date of this policy is currently \$150.00 per hour maximum.