

**Chapter: Conditions of Employment**  
**Title: Multiple State and Other Outside Employment**

**Effective Date:** 12/1/11  
**Page:** 1 of 4  
**New**

**ACA Standard(s):** N/A

**Statutes:** TX Gov't Code, Section 572.051(a)(2) and (3), and Chapter 667  
TX Human Resources Code, Section 202.002

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(a) **Policy.**

Employees of the Texas Juvenile Justice Department (TJJD) may accept additional employment only in accordance with state law and the provisions of this policy. The TJJD will be considered the primary employer for all full-time and part-time TJJD employees. A TJJD employee is obligated to give TJJD job duties and work hours priority over outside employment duties and work hours.

(b) **Definitions.**

Except as noted below, see the PRS Glossary for definitions of certain terms used in this policy.

- (1) **Texas Trade Association** – For the purpose of outside employment, this is a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interests.
- (2) **Criminal Justice Related Employment** – For the purpose of outside employment, this includes but is not limited to employment with one or more of the following: (1) a federal, state, or local law enforcement agency; (2) a federal, state or local organization or institution responsible for the administration of juvenile or adult penal justice; or (3) a private organization or institution responsible for the administration of juvenile or adult penal justice.

(c) **General Limitations.**

TJJD employees are prohibited from accepting outside employment that:

- (1) involves employment as an employee, partner, consultant, or agent with a vendor or potential vendor to the agency, including a contract facility;
- (2) indicates a reasonable expectation that it would:
  - (A) require or induce the employee to disclose confidential information acquired by reason of his/her TJJD position; or
  - (B) impair the employee's independence of judgment in the performance of his/her TJJD duties;
- (3) undermines the TJJD image, mission, or goals;
- (4) at any point adversely affects the employee's ability, fitness, or readiness to work in his/her TJJD position; or
- (5) violates state law relating to certain outside employments, described in sections (e)(3) and (4) below.

(d) **Multiple State Employment Requirements.**

(1) **Approval and Notification Process.**

- (A) Before a TJJD employee accepts an additional position with another state agency or state institution of higher education, the employee must obtain written approval from the human resources director.

- (i) The employee must submit a written request for multiple state employment (e.g., via email) to his/her chief local administrator (CLA). The written request must identify the following information regarding the potential employment with the secondary state employer:
    - (I) employer's name;
    - (II) position;
    - (III) nature of duties; and
    - (IV) normal work schedule.
  - (ii) The CLA will submit the request to the human resources director.
  - (iii) The human resources director will:
    - (I) discuss any potential conflicts of interest with the Office of General Counsel;
    - (II) coordinate the review of any requests from an employee in a key personnel position with the executive director or designee;
    - (III) provide the employee a written response, and include a copy of this policy if the request was approved; and
    - (IV) provide a copy of the written response to the employee's:
      - (-a-) CLA; and
      - (-b-) local human resources administrator for placement in the employee's personnel file.
  - (B) Upon the additional state employment being approved, the employee must notify the other state employer of his/her multiple employment status.
  - (C) The approval for the multiple employments is valid only:
    - (i) while the employee remains in the TJJD position held at the time of approval; and
    - (ii) for the outside employment position and work schedule described in the request submitted for approval.
  - (D) If an employee's position or regular work schedule changes with TJJD or with the other state agency, the employee must submit a new request for approval for continued employment with the other state agency. However, the employee may continue employment with the other state agency pending approval or disapproval of the new request.
- (2) **Multiple Employment Limitations.**
- (A) An employee may not accept a position with another state employer that creates a conflict of interest with the employee's TJJD position. The Office of General Counsel will determine if a conflict of interest exists.
  - (B) An employee may not hold more than one TJJD position.
  - (C) An employee may only hold a part-time position with another state employer.
  - (D) An employee's work hours or workweek may be changed to accommodate multiple employment only when there is a clear benefit to TJJD.

(3) **Impact on Benefits and Timekeeping.**

- (A) The employee may not receive benefits from the state that exceed the benefits provided for one full-time employee.
  - (i) The employee accrues state service credit for all purposes, including tenure credit for longevity pay, hazardous duty pay, and annual leave accruals, as if the employee had only one state employment.
  - (ii) The total state contribution toward the employee's group insurance is limited to the amount specified in state law for a full-time active employee.
  - (iii) The employee shall be entitled to receive longevity or hazardous duty payment for only one employment.
- (B) TJJJ and the secondary employer maintain separate leave records.
- (C) Overtime compensation for each state employment accrues independently of the other state employment, except when one of the positions is an FLSA non-exempt position. In such a case, all combined time worked in excess of 40 hours per week may be considered overtime. TJJJ and the secondary state employer will cooperate to determine which employer is responsible for ensuring that the employee is properly compensated.
- (D) The provisions in PRS.11.01 will apply if the employee separates TJJJ employment while still employed with the other agency.

(e) **Other Outside Employment.**

(1) **Notification.**

An employee is not required to obtain prior approval from his/her supervisor before accepting employment with an outside employer. However, the employee must provide his/her supervisor with written notification (e.g., email) of the outside employment, including self-employment, as soon as practicable.

- (A) The notification must include the employer's name, address, nature of business, and the employee's work hours or indicate the range of possible work hours if the hours will vary.
- (B) The supervisor must forward the notification to the human resources director if the outside employment is a criminal justice related employment.

(2) **Use of State Resources.**

TJJJ employees are prohibited from accepting outside non-state employment that requires the use of state resources or derives a benefit from the use of state resources.

(3) **Texas Trade Association Limitation.**

An FLSA exempt employee may not be an officer, employee, or paid consultant of a Texas trade association in the field of criminal justice. In addition, his/her spouse may not be an officer, manager, or paid consultant for a Texas trade association in the field of criminal justice.

(4) **Local Governing Body Limitations.**

- (A) An employee is not required to resign from employment while campaigning for public office as long as the activity does not conflict with the ability to perform his/her job duties. The agency's prohibitions against engaging in political activity or political influence at work or while on duty will apply.

- (B) An employee may serve as a member of the governing bodies of a school district, city, town, or other local governmental district; however, the Texas Constitution prohibits the employee from receiving a salary for serving as member of these governing bodies, with the following exceptions:
- (i) An employee who is a schoolteacher, retired schoolteacher, or retired school administrator may receive compensation for serving as a member of a governing body of a school district, city, town, or local governmental district, including a water conservation and reclamation district; or
  - (ii) An employee who is a faculty member or retired faculty member of a public institution of higher education may receive compensation for serving as a member of a governing body of a water conservation and reclamation district.
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