

Procedure: 4.3.2p6. (III.L.6)

Other Employment Procedure

Revised: March 13, 2019; May 7, 2018; March 16, 2016; October 29, 2014; and January 9, 2013.

Last Reviewed: September 20, 2022; and March 13, 2019.

Adopted: June 1, 2007.



I. **PURPOSE:**

This procedure aims to ensure that employees of the Technical College System of Georgia avoid any outside business activity or other employment relationship that creates or could be perceived as creating a conflict of interest with his/her assigned duties and responsibilities or the mission of the agency. In addition, the procedure is intended to ensure full compliance with the Fair Labor Standards Act. This procedure neither implies nor grants any employee the opportunity to initially engage in or continue an outside business activity or Employment with another entity. Therefore, authorization to participate in these activities may be denied or withdrawn at any time.

In conjunction with the administration of this procedure, each applicant for Employment is expected to truthfully disclose on their employment application whether they is currently employed in a full-time or part-time capacity; whether they is currently employed with another State agency; whether they currently serves as a contractor or consultant for a fee or honorarium; and/or, whether they currently operates a personal business (i.e., is self-employed). Applicants are also expected to disclose whether they intend to continue such Employment or business activities.

II. **RELATED AUTHORITY:**

Fair Labor Standards Act of 1938, as amended
Attachment: 4.3.2p1.a1. Governor Kemp's April 1, 2021, Executive Order on Ethics
O.C.G.A. § 45-10-22 – Full-Time Public Officials with State-Wide Powers Prohibitions; Public Officials or Employees with Limited Powers Prohibitions.
O.C.G.A. § 45-10-23 – Full-Time Employees Prohibited from Transacting Business with own State Agency; Exception for Board of Regents Employees.
O.C.G.A. § 45-10-24 – Part-Time Public Officials with State-Wide Powers Prohibitions; Part-Time Employees Prohibitions; Exceptions to Prohibitions.
O.C.G.A. § 45-10-26 – Annual Disclosure Statements Concerning Business Transactions with State; Public Records.
TCSG Procedure: 4.1.4p. – Categories of Employment.
TCSG Procedure: 4.3.2p1. – Ethical Responsibilities.
TCSG Procedure: 4.3.2p3. – Gifts, Honoraria, and Expenses.
TCSG Procedure: 4.3.2p4. – Standards of Business Conduct.
TCSG Procedure: 4.2.1p. – Working Hours, Overtime, and Compensatory Time.
State Personnel Board Rule 7 – Outside Employment.

III. **APPLICABILITY:**

All work units and Technical Colleges are associated with the Technical College System of Georgia

IV. **DEFINITIONS:**

Agency: For this procedure, the term is defined as any state agency, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia other than a political subdivision, including the Technical College System of Georgia and its colleges.

Appointing Authority: Within Georgia State Government, the person authorized by law or delegated authority to make appointments to fill positions, including the Commissioner of the Technical College System of Georgia and Technical College presidents.

Business: any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or legal entity.

Exempt Employee: an employee who is not covered by or subject to the minimum wage and overtime provisions of the Fair Labor Standards Act based on the application of established exemption guidelines.

Family: spouse and dependents.

Full-time Employee: any individual who works thirty (30) hours or more per week for any state agency and whose appointment is for nine (9) or more calendar months.

Non-Exempt Employee: an employee who is covered by or subject to the minimum wage, overtime, and recordkeeping provisions of the Fair Labor Standards Act.

Other Employment: includes working as an employee for any business or organization, contracting to provide a service for a fee, serving as a consultant for a fee or honorarium, or self-employment. *NOTE:* other Employment also includes service in any elected or appointed public office (i.e., federal, state, or local) or a position in a political party or organization. Guidelines governing such service are outlined in the TCSG Procedure governing Political Activities and Election Campaigns.

Primary Agency: Technical College System of Georgia (TCSG) System Office, a Technical College or other State of Georgia agency that employs an individual at the time of his/her request to obtain other/secondary Employment.

NOTE: for pay delivery purposes, the term is also defined as the TCSG organizational work unit having primary control and responsibility for the Employee's benefits and salary administration as determined by the Employee's lowest record number in the PeopleSoft HCM System.

Part-time: any amount of work other than "full-time," as the term is defined in this procedure.

Public Official: any person elected or appointed to a public office with administrative and discretionary authority to receive and expend public funds and perform certain public functions assigned to them by law. For the purposes of financial disclosure and the reporting of business transactions, the Commissioner is considered a Public Official.

Secondary agency: the TCSG organization work unit or other State of Georgia agency seeking to employ, on a full- or part-time basis, the services of an employee currently working for another State agency or, as applicable, the TCSG System office or a Technical College.

Secondary Employer/Employment: an employee's secondary place of Employment.

Substantial interest: direct or indirect ownership of more than 25% of the assets or stock of any business.

Transact Business: to sell or lease any personal property, real property, or services on behalf of oneself or behalf of any third party as an agency, broker, dealer, or representative and/or to purchase surplus, real, or personal property on behalf of oneself or behalf of any third party as an agent, broker, dealer, or representative.

V. **ATTACHMENTS:**

- 4.3.2p6.a1. – Initial Request for Approval of Other Employment
- 4.3.2p6.a2. – Request to Continue Other Employment
- 4.3.2p6.a3. – Request for Approval of Other Employment for Adjuncts
- 4.3.2p6.a4. – State Business Transaction Disclosure Report
- 4.3.2p6.a5. – PeopleSoft Employment Records Worksheet
- 4.3.2p6.a6. – FLSA Designation Worksheet
- 4.3.2p6.a7. – Overtime Calculation Worksheet

VI. **PROCEDURE:**

A. General Provisions:

1. With approval, an employee of the Technical College System of Georgia's (TCSG) System Office or an associated Technical College may, consistent with the provisions of this procedure and established conditions, pursue, hold, or continue secondary Employment.
2. All state agencies are considered one employer to comply with the Fair Labor Standards Act Regulations. *NOTE:* State Authorities (e.g., Georgia World Congress Center, Georgia Ports Authority); Community Services Boards; and colleges and universities associated with the University System of Georgia are considered separate employers.
3. An employee must report any total or partial ownership of a company if that company is currently transacting business with or is seeking to transact business with the TCSG System Office or any Technical College. *NOTE:* a "company" is considered a

“business” as that term is defined above.

4. Except for service as an Interim President or temporary appointment to the System Office, a Technical College president may not be employed in any other capacity.
5. According to applicable provisions of the Governor's Executive Order on Ethics, the Commissioner (as a Public Officer) is prohibited from ongoing dual employment.
6. Provided a secondary employment relationship does not violate the provisions of this procedure, a newly hired employee who desires to continue Employment with a previous employer; desires to continue to serve as a contractor or consultant; or who desires to continue to operate his/her own business, may be authorized to do so for a period not to exceed six (6) calendar months after Employment with the System Office or a Technical College. However, before this period elapses, an employee must submit a Request to Continue Other Employment (See Attachment 4.3.2p6.a2) and receive written approval from the appropriate official. An employee who has previously received written approval to engage in secondary Employment according to the provisions of this procedure may not continue such Employment while on authorized sick leave, authorized family leave with or without pay, or on authorized leave without pay without first submitting Attachment 4.3.2p6.a2 and obtaining written approval.
7. Any secondary employment request and authorization for a full-time or adjunct faculty member engaged in the delivery of academic instruction or teaching responsibilities with any public or private sector employer (to include another TCSG Technical College or a college or university associated with the University System of Georgia) will be limited to a single academic term.
8. Any employee who violates the provisions of this procedure or corresponding federal or state law may be subject to disciplinary action up to and including dismissal.
9. Any exceptions to the terms of this procedure must be requested by the president and approved in writing by the Commissioner or designee. Any questions concerning the interpretation and/or application of these provisions should be directed to the System Office Director of Human Resources.
10. Secondary employment authorization for any employee must be reviewed immediately should the Employee change positions within the college or transfer to another TCSG work unit.

B. Prohibited Secondary Employment/Business Transactions

1. An employee must avoid any secondary employment

relationship that could create an actual or perceived conflict of interest with his/her Employment. Further, secondary employment may not interfere/conflict with an employee's ability to effectively perform his/her assigned duties and responsibilities.

2. Employees are expressly prohibited from the following activities:
 - a. Performing duties/tasks/activities for a secondary employer while "at work." Examples include the use of such communication devices/office equipment as a fax, copier, telephone or cellular device, computer, laptop, tablet, or any state-issued device;
 - b. selling products or services to other employees;
 - c. being "on call" for other Employment;
 - d. engaging in any business activity/transaction involving the State of Georgia or the TCSG from which the Employee may benefit financially except through his/her regular compensation provided by the System Office or Technical College; and/or,
 - e. engaging in any business activity which results in a breach of confidentiality, including the falsification, destruction, inappropriate and/or unacknowledged collection, release, or other misuses of TCSG data, information, or records pertaining to students, employees, or System Office or Technical College operations or administration.
3. It is unlawful for a full-time employee, for himself/herself or on behalf of any business, or for any business in which the Employee or member of his/her family has a substantial interest in transacting any business with the System Office or any Technical College.
4. It is unlawful for a part-time employee, for himself/herself or on behalf of any business, or for any business in which the Employee or member of his/her family has a substantial interest to transact any business with the System Office or any Technical College. Exceptions to this provision are as follows:
 - a. any transaction made according to sealed, competitive bids;
 - b. any transaction when the amount of a single transaction does not exceed \$250.00 and when the aggregate of all such transactions does not exceed \$9,000.00 per calendar year;
 - c. any transaction involving the lease of real property to or from any agency if the State Properties Commission has approved such transaction; and,
 - d. the purchase of surplus state property at auction.
5. An employee who holds a non-exempt position is prohibited from working for any other TCSG work unit or state agency.
6. An applicant who holds a non-exempt position with another state

agency and is seeking secondary Employment with the System Office or a Technical College shall not be eligible for Employment.

- a. This prohibition does not apply to applicants who work with other state agencies who agree upon hire to resign their positions for primary Employment with the System Office or a Technical College.
- b. Current employees who were hired before the effective date of this procedure may continue their Employment provided the provisions requiring written authorization and the minimum rate and delivery of pay have been satisfied. However, upon any break in service, this procedure's provisions shall apply for their re-hire.

C. Adjunct Faculty

1. Adjunct faculty are considered to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act and the accompanying Salary Basis Test. Adjunct faculty are eligible to work in that capacity for more than one Technical College during an academic term only with the written approval of each Technical College president.
2. Both TCSG colleges and work units must comply with the TCSG Procedure governing Instructional Staff Work Assignments. In addition, both appointing authorities must approve the appointment in writing and agree that the total hours worked for both units will not exceed 29 hours per week.
3. When an adjunct faculty member works simultaneously for multiple Technical Colleges, the Human Resources Director for each Technical College must work together to ensure that hours worked do not exceed the maximum allowable hours and that pay is delivered appropriately.

D. Requesting Other Employment:

1. Before accepting other Employment, an employee must first request approval by submitting, using Attachment 4.3.2p6.a1, to the Human Resources Director.
2. When there is a request for secondary Employment with another state agency. In that case, the Human Resources Director must certify in writing that the Employee holds a position that is not covered by or subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (i.e., "exempt") and must also obtain written certification from the other state agency that the second position is exempt. Absent these certifications, and the request may not be approved.

3. Once certified, the Human Resources Director will forward the request to the immediate supervisor and manager for review to ensure that the proposed Employment does not:
 - a. conflict with the Employee has currently assigned duties and responsibilities; and,
 - b. does not present an actual or perceived conflict of interest.
4. If the request complies with all applicable provisions of this procedure, the supervisor may recommend approval and forward the form through their reviewing manager to the appointing authority or designee for a final determination. *NOTE:* according to applicable provisions of Categories of Employment Procedure,
5. If the request is denied, the reason (s) for the decision should be noted on the request form. A copy of the form should be provided to the Employee with the original placed in the Employee's official personnel file.
6. If approval is granted, an employee's authorization to engage in the other Employment will continue until Employment with that employer ends. Authorization may be rescinded should the secondary Employment interfere with the ability to perform primary duties, become a conflict of interest, or conflict with the agency's mission. *NOTE:* as provided in the Categories of Employment procedure, any secondary employment authorization for a full-time or adjunct faculty member engaged in the delivery of academic instruction or teaching responsibilities with any public or private sector employer (to include another TCSG Technical College or a college or university associated with the University System of Georgia) will be limited to a single academic term. To provide sufficient time for review, the request should be submitted well in advance of the identified academic term.
7. If there are any changes in an employee's job responsibilities, established work ,course hours, FLSA designation with the primary or secondary employer after a request has been approved, the employee must submit Attachment 4.3.2p6.a2. (Request to Continue Other Employment) to the Human Resources Director for review and approval.
8. An employee may not begin other Employment prior to obtaining written approval from the Commissioner, Technical College president, or his/her designee.

E. Pay Delivery Involving a Full-time TCSG Employee Working Part-Time Secondary Employment in the System Office or at Another Technical College:

1. When circumstances warrant, and in addition to the Completed Request for Approval of Other Employment Form, a

memorandum of understanding should be signed between the System Office and the Technical College or as applicable, between Technical Colleges when a full-time, exempt employee is approved to work part-time

with another TCSG work unit. The agreement should contain the expected length of part-time service, compensation for such service, and any other identified terms and conditions of Employment.

2. Payment for all hours worked in both the full-time and the part-time, hourly-paid capacities will be delivered to the Employee by the primary employer.
3. The secondary employer will then be responsible for reimbursing the primary employer for costs associated with the hours worked during the part-time Employment.
4. Reimbursements must include the employer portion of fringe benefits and expenses provided to the Employee (e.g., Medicare, OASDI, health insurance, and, as applicable, retirement contributions);
5. The secondary employer will pay any other expenses incurred during an employee's part-time Employment directly to the Employee. (e.g., travel reimbursements, training conference costs) All such payments will be consistent with the provisions of established Statewide Travel Regulations.

G. Business Transactions Disclosure Requirements:

1. An employee who has transacted business with the State of Georgia or any agency of the State of Georgia must electronically file a State Business Transaction Report (Attachment 4.3.2p6.a4.) with the Georgia Government Transparency and Campaign Finance Commission prior to January 31 of each calendar year.
2. Neither the Commissioner (as a Public Officer) nor any other TCSG employee is required to file the State Business Transaction form if no transaction(s) have taken place.
3. Any employee who has transacted business with the State of Georgia or any agency of the State of Georgia and who fails to file a State Business Transaction Report by the required deadline date is subject to the penalties referenced in Attachment 4.3.2p6.a4.

VII. RECORD RETENTION:

Forms and other documents associated with an employee's request for secondary Employment shall be maintained in his/her official personnel file.

Documentation of payments between the System Office and Technical College(s) shall be maintained by the System Office of Human Resources and each Technical College's Office of Human Resources and Business Office in accordance with the State of Georgia's published retention schedule for the particular type of document.

(4.3.2p6.a1. ATTACHMENT)

INITIAL REQUEST FOR APPROVAL OF OTHER EMPLOYMENT

| | |
|---|--|
| EMPLOYEE NAME: | DATE: |
| SYSTEM OFFICE WORK UNIT/TECHNICAL COLLEGE: | JOB TITLE/FLSA DESIGNATION (Exempt or Non-Exempt) |
| POTENTIAL OTHER EMPLOYER: | ADDRESS OF POTENTIAL OTHER EMPLOYER: |
| WORK HOURS: | DURATION OF EMPLOYMENT: |
| DESCRIPTION OF DUTIES/OBLIGATIONS AND JOB TITLE/FLSA DESIGNATION (Exempt or Non-Exempt): | |
| EMPLOYEE ACKNOWLEDGMENT | |
| <p>I have read the TCSG Other Employment Procedure and request approval to engage in other Employment as described in this attachment. If my current position is considered non-exempt and if my potential other employer is a State of Georgia agency and the position, I will be appointed to is also considered non-exempt, I have attached a written offer or Employment which includes confirmation that all required conditions as provided in this procedure have been agreed to. NOTE: I understand that I must seek and receive permission before continuing other Employment for absences or projected absences of three (3) or more business days while on approved sick leave or authorized leave of absence without pay.</p> <p>If this request is approved, my other Employment will not:</p> <ul style="list-style-type: none">• Conflict or interference with my current duties and responsibilities;• Create the potential for improper decisions in System Office/Technical College activities; or,• Present an actual or perceived conflict of interest. | |
| EMPLOYEE SIGNATURE: | DATE: |
| REVIEW AND APPROVAL | |
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | Supervisor Signature: _____ Date: _____ |
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | President/Commissioner or Designee Signature: _____ Date: _____ |
| Special Condition(s) Required for Approval (If applicable) or Reason(s) for Disapproval: | |
| Human Resources FLSA Review: <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved - Provide the reason (s) for Disapproval: | |

REQUEST TO CONTINUE OTHER EMPLOYMENT

| | | |
|---|--|-------------|
| EMPLOYEE NAME: | DATE: | |
| SYSTEM OFFICE WORK UNIT/TECHNICAL COLLEGE: | JOB TITLE: | |
| OTHER EMPLOYER: | ADDRESS OF OTHER EMPLOYER: | |
| OTHER EMPLOYER WORK HOURS: | DATE OTHER EMPLOYMENT COMMENCED: | |
| NATURE OF REQUEST (E.G., A SIGNIFICANT CHANGE IN ASSIGNED WORK HOURS) OR, AS APPLICABLE, THE DESCRIPTION OF NEWLY ASSIGNED DUTIES AND RESPONSIBILITIES AND FLSA DESIGNATION: | | |
| EMPLOYEE ACKNOWLEDGMENT | | |
| I have read the TCSG Other Employment Procedure and request approval to continue other Employment as described in this attachment. NOTE: I understand that I must first seek and receive permission before continuing other Employment for absences or projected absences of three (3) or more business days while on approved sick leave or authorized leave of absence without pay. | | |
| EMPLOYEE SIGNATURE: | DATE: | |
| REVIEW AND APPROVAL | | |
| The Employee's immediate supervisor and appointing authority must review the Employee's request to ensure that the request to continue other Employment does not conflict with the reasons for which the leave of absence was granted or any incorporated terms and conditions of the leave. | | |
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | Supervisor Signature: _____ | Date: _____ |
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | President/Commissioner or Designee Signature: _____ | Date: _____ |
| Special Condition(s) or Reason(s) for Disapproval: | | |
| Human Resources FLSA Review: <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved – Provide the reason (s) for Disapproval: | | |

4.3.2p6.a3. ATTACHMENT

REQUEST FOR APPROVAL OF OTHER EMPLOYMENT FOR ADJUNCTS

| | | |
|--|--------------------------|-------|
| EMPLOYEE NAME: | SEMESTER: | |
| PRIMARY TECHNICAL COLLEGE: | WORKLOAD UNITS: | |
| SECONDARY TECHNICAL COLLEGE: | WORKLOAD UNITS: | |
| SECONDARY TECHNICAL COLLEGE | WORKLOAD UNITS: | |
| LIST ANY SPECIAL ARRANGEMENTS: | | |
| EMPLOYEE ACKNOWLEDGMENT | | |
| <p>I have read the TCSG Other Employment Procedure and request approval to engage in other Employment within the Technical College System as described in this attachment. I understand that the president of each college must approve this request before my beginning work with another college. A new request must be completed and approved each semester with a copy to Human Resources of each college.</p> <p>If this request is approved, my other Employment will not:</p> <ul style="list-style-type: none"> • Conflict or interference with my current duties and responsibilities; • Create the potential for improper decisions; or, • Present an actual or perceived conflict of interest. | | |
| EMPLOYEE SIGNATURE: | DATE: | |
| PRESIDENTIAL APPROVAL | | |
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | President* Signature: | Date: |
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | President* Signature: | Date: |
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | President* Signature: | Date: |
| <p>*Note that all hours worked within TCSG are combined under ACA to determine healthcare eligibility. Therefore, should the Employee become eligible for healthcare benefits under ACA, the Technical College with the lowest PeopleSoft record will pay the employer cost for the calendar year following the most recently ended measurement period.</p> | | |
| Reason(s) for Disapproval (If applicable) | | |

**STATE BUSINESS TRANSACTION DISCLOSURE REPORT
FORM AND INSTRUCTIONS**

I. General Information

Section 45-10-25 of the Official Code of Georgia Annotated requires that all public officials and employees disclose, prior to January 31 of each year, all business transactions occurring during the previous calendar year which the public official or Employee has transacted with the State of Georgia and any agency of the State of Georgia for himself or on behalf of any business, or any business in which such public official or Employee or any member of his family has a substantial interest. Failure to disclose such business transactions will subject the public officer Employee or business to a civil fine not to exceed \$10,000.00, restitution to the State of Georgia of any pecuniary benefit received as a result of such violation, and, in the case of appointed public officials and employees, removal from office or Employment.

II. Who must file?

- A.** Public Officials – Any person elected to a state office and any person appointed to a state office where, in the conduct of such office, the person so appointed has administrative and discretionary authority to receive and expend public funds and to perform certain functions concerning the public which are assigned to him by law.
- B.** Employees – Any person who, according to a written or oral contract, is employed either on a full-time or part-time basis by any agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia. This does not include persons employed by a political subdivision of the State of Georgia. A full-time employee performs more than 30 hours of work per week for more than 26 weeks per year. A part-time employee is any employee who is not a full-time employee.

III. When to file?

All persons required to file a disclosure report must do so prior to January 31 of each year.

IV. Where to file?

The original disclosure report must be filed with the Secretary of State, 1104 West Tower, 2 Martin Luther King, Jr. Drive, SE, Atlanta, Georgia 30334-1505.

V. What must be reported?

Generally, all business transacted with the State of Georgia or any agency of the State of Georgia by any public official or any employee, whether for himself or on behalf of any business, or any business in which such public official or Employee or any member of his family has a substantial interest must be disclosed. "Business transacted" means the sale or leasing of any personal property, real property, or services on behalf of oneself or behalf of any third party as an agent, broker, dealer, or representative and means the purchase of surplus real or personal property on behalf of oneself or behalf of any third party as an agent, broker, dealer, or representative. "Any business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or legal entity. "Family" means

spouse and dependents. "Substantial interest" means the direct or indirect ownership of more than 25 percent of the assets or stock of any business. This paragraph is not meant to be an exhaustive description of the items to be reported. For the precise requirements of what must be reported, please refer to O.C.G.A. § 45-10-20, et. Seq.

Transactions do not have to be reported when the amount of each transaction is less than \$250.00, and the aggregate of all such transactions does not exceed \$9,000.00 per calendar year. In addition, no report must be filed if there are no transactions to report.

VI. Transactions that must be reported but are exempted from further review.

Except as indicated in Section V above, all transactions with the State of Georgia or any agency of the State of Georgia must be reported. However, where applicable, O.C.G.A. §§ 45-10-22(b), 45-10-24(b), and 45-10-25 provide that certain transactions with the State of Georgia or any of its agencies are not considered violations of the conflict-of-interest laws. These include, but are not limited to: transactions involving full-time officials, part-time officials, or part-time employees which are made according to sealed competitive bids or involve a lease of real property approved by the State Properties Commission or the Space Management Division of the Department of Administrative Services; and certain approved transactions involving employees of the University System of Georgia where the transaction is with another unit of the University System. Any of these transactions must be indicated in the appropriate space on the report form.

VII. Instructions

A. Complete the cover sheet by:

1. Fill in the date of the report and your name, address, home, and work telephone number.
2. Marking the box which describes your position with the State of Georgia and listing your agency, title, and
3. I am completing and signing the certification.

B. Each transaction must be disclosed separately.

C. Amounts may be rounded to the nearest dollar.

D. For each heading, list the following information on each transaction:

1. Date of transaction.
2. Agency involved – The name of the agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia with whom the business was transacted.
3. Nature of transaction - Describe what the subject of the transaction was, e.g., "sale of 1500 cubic yards of concrete", "30 hours of security work", "lease of the house," etc., and state any exception to the conflict-of-interest laws under which the transaction was undertaken;
4. Type of transaction:
 - a) If the transaction was personal or for oneself, list "personal;"
 - b) If the transaction was on behalf of a business, list "business" and named the business;
 - c) If the transaction was for a business in which you or your spouse or dependents have a substantial interest, list "family" and name the business;
5. Amount of transaction – List the amount of the transaction in dollars;
6. Exception, if any, which applies – The exception is to remove the transaction from coverage under the conflict-of-interest laws (include an appropriate explanation and any supporting documentation).

E. Mail the original report to the Secretary of State, 1104 West Tower, 2 Martin Luther King, Jr. Drive, SE, Atlanta, Georgia 30334-1505.

TO: SECRETARY OF STATE
1104 WEST TOWER
2 MARTIN LUTHER KING, JR., DRIVE, SE
ATLANTA, GA 30334-1505

STATE BUSINESS TRANSACTION DISCLOSURE REPORT
(Please type or print)

Date of this report:

Full Name:

(First) (Middle) (Maiden) (Last)

Address:

(Street) (City) (County) (State) (ZIP)

Telephone Number

Home:

Work:

Type of Filing (Check and Complete)

Elected Official

Office Held: _____

Appointed Official

Name of State Agency _____

Position Held: _____

Employee: Full-Time

Part Time

Name of State Agency _____

Position Held: _____

CERTIFICATION

I hereby certify that the attached _____page(s) is/are a true and accurate report of all business transacted by me with the State of Georgia for myself, on behalf of my business, and for any business in which I or any family member has a substantial interest.

Sworn to and subscribed before me this _____ day of _____, 2

(Notary Public)

**BUSINESS TRANSACTIONS WITH THE STATE OF GEORGIA
FOR CALENDAR YEAR 2_____**

Transaction No: _____

Page # _____ of _____

1. **Date of transaction:** _____
 2. **Agency involved:** _____
 3. **Nature of the transaction:**

 4. **Type of transaction:** _____
 5. **Amount of transaction:** _____
 6. **Exception, if any, which applies (supply explanation and attach supporting documentation, if any):**

-

Transaction No: _____

1. **Date of transaction:** _____
 2. **Agency involved:** _____
 3. **Nature of the transaction:**

 4. **Type of transaction:** _____
 5. **Amount of transaction:** _____
 6. **Exception, if any, which applies (supply explanation and attach supporting documentation, if any):**

-

ATTACH ADDITIONAL PAGES, IF NECESSARY

Report of:

Full Name (First, Middle, Maiden, Last)

4.3.2p6.a5. Attachment

PeopleSoft Employment Records Information

To determine if a new employee is employed with another Technical College, State Agency, Authority, or Board, one must review the "Job Summary" panels in PeopleSoft. If another State Agency employs the new hire, the Job Summary panels will indicate which agency and all active or terminated record numbers. Employees within the Board of Regents or units within the University System of Georgia are not accessible in the current PeopleSoft System. The agency has the Employee on the lowest record number and will own the primary responsibility for the Employee.

Employment Records "0" and "1-9"

The following scenarios will explain dual Employment within TCSG and the Technical Colleges.

Employees active with TCSG or a Technical College with an employment record (ER) "0" (MSx & SSx pay groups) and an ER "1-9" (MHx or SHx pay groups) are not permissible. The Employee with the ER "1-9" must be separated and compensated on the ER "0" with coded TF1, TF2, or TF3 earnings.

If an employee is active with an ER "1-9" (MHx or SHx pay groups) and has an ER "0" (MSx & SSx pay groups) in TCSG or a Technical College, the ER "1-9" must be separated and both employing entities must coordinate the reporting of the timesheet with the employer having the ER "0" for the Employee to be compensated. The employer with the ER "0" will then bill the entity utilizing the Employee on a part-time, temporary basis for the Employee's salary and fringe (Medicare, OASDI, SHBP, and Retirement when applicable) associated with the earnings.

It is impermissible for an employee to have multiple active ER "1-9." Therefore, the Employee should only have one employment record, and if the Employee is working two part-time jobs with a single employer, then only the lowest employment record number should be active, and all other ER "1-9" should be terminated.

If an employee has an active ER "0" or ER "1-9" and another state agency also has this Employee active with an ER "1-9" or ER "0" respectively, there is no action necessary from either employer. For example, an employee cannot have two ER "0" in PeopleSoft. However, one will need to be cautious in hiring full-time employees from other agencies into part-time positions with TCSG or its Technical Colleges and continue coordinating the hiring with the other agency. The following should be verified:

- 1) Hours of work do not overlap.
- 2) Hourly rate
- 3) FLSA status
- 4) The Parent Agency does not prohibit employees from working in a dual employment relationship.
- 5) Complete an Other Employment Agreement form

(4.3.2p6.a6. Attachment)

FLSA Exempt and Non-Exempt Classifications:

Careful consideration must be given to the exempt or non-exempt status of the individual's primary Employment. Part-time employees, students participating in the college work-study program, and student employees within TCSG and the Technical Colleges are generally restricted to working no more than 29 hours per week. The employer with the lowest employment record number in PeopleSoft must determine the overtime liability based on the following:

- 1) If a non-exempt employee works full-time with their primary employer and is non-exempt with the secondary employer, the combined hours above 40 hours per week are subject to overtime compensation except for positions designated under the [Fair Labor Standards Act Section 13\(a\)\(1\)](#).
- 2) If a non-exempt employee works full-time with their primary employer and is exempt from their secondary employer, all hours worked more than 40 hours a week will be subject to overtime compensation.
- 3) If an exempt employee works full-time with their primary employer and is non-exempt with their secondary employer, the additional hours with the secondary employer are paid at the straight time rate unless the overall work requirements exceed 20% non-exempt duties. When this occurs, the primary job has the potential to become non-exempt, and the Employee is entitled to overtime compensation.
- 4) If an exempt employee works full-time with their primary employer and is exempt with their secondary employer, then the combined Employment is treated as exempt from overtime compensation. However, suppose the exempt employee spends more than 20% of the time in a workweek performing non-exempt work. In that case, the Employee loses the exemption for the workweek, and both jobs become non-exempt and subject to overtime compensation.

4.3.2 p6.a7. Attachment

Calculating Overtime

All examples are based on a 40-hour work week, Monday – Friday.

Example: Sarah currently works full-time with a Technical College, and due to reduced funding, her position is being reclassified to a part-time position. Sarah has accepted another appointment with a Technical College near her service area and will work for them entering the Other Employment scenario. Sarah now works 20 hours per week in her primary appointment earning \$20.00 per hour, and 20 hours per week in her secondary appointment earning \$15.00 per hour.

$$\begin{array}{r} \text{Formula:} \quad \text{Total Number of Hours (Primary Appointment)} \\ \quad + \quad \text{Total Number of Hours (Secondary Appointment)} \\ \hline = \quad \text{Total Number of Hours per work week} \end{array}$$

Solution: Sarah worked 40 hours in her designated work week, so no overtime compensation was earned.

Example: John currently works full-time (hourly) with TCSG, and due to critical staffing needs at one of the department's Technical Colleges, the Commissioner has agreed to reduce his primary appointment to half-time, allowing him to work temporarily, part-time, with the Technical College. Within the first week of his appointment at the college, John worked 35 hours. Utilizing the formula in the preceding example, John worked a total of 55 hours in the work week, earning a total of 15 hours of overtime. John currently earns \$20.00 per hour in his primary appointment and \$25.50 per hour in his secondary appointment.

$$\begin{array}{r} \text{Formula:} \quad \text{Total Weekly Salary} \quad \quad \quad \$1,292.50 \\ \quad \div \quad \text{Total Hours Worked} \quad \quad \quad \div 55 \text{ Hours} \\ \hline = \quad \$ \text{ Weighted Average Salary} \quad \quad \quad = \$23.50 \end{array}$$

Solution: The weighted average salary is the adjusted salary rate for calculating overtime earned in a particular work week. The weighted average calculation will need to be performed for each work week where overtime is earned. Continuing with John's example, his adjusted rate for calculating overtime compensation is \$23.50. Therefore, John will earn 15 hours of overtime pay at a rate of \$35.25/hr (1.5 x \$23.50 = \$35.25).