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## PROCEDURES

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Attachment A: PERS 407, Request for Multiple Employments (06/19)
Attachment B: List of State Agencies and Institutions of Higher Education (06/19)
EXECUTIVE DIRECTIVE

SUBJECT: MULTIPLE EMPLOYMENTS WITH THE STATE


APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

EMPLOYMENT AT WILL CLAUSE:

These guidelines do not constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in this directive limits the executive director’s authority to establish or revise human resources policy. This directive guides the operations of the TDCJ and does not create a legally enforceable interest for employees or limit the executive director’s, deputy executive director’s or division directors’ authority to terminate an employee at will.

POLICY:

An employee of the TDCJ shall receive approval from the human resources director or designee in accordance with the procedures of this directive before accepting additional employment with another state agency or institution of higher education.

DEFINITIONS:

“Conflict of Interest” is outside employment activity that conflicts with an employee’s official duties.

Examples of outside employment activity that represent a conflict of interest: (1) employment that might require or induce an employee to disclose confidential information acquired by reason of employment with the TDCJ; (2) employment in a
business, charity, non-profit organization, or professional activity, including self-
employment, or receipt of compensation that could reasonably be expected to impair an 
employee’s independence of judgment in the performance of the employee’s official 
TDCJ duties; (3) employment intentionally or knowingly solicited, accepted, or agreed 
upon because the employee exercised official TDCJ powers or duties in favor of another;
 or (4) employment that includes activity conducted for personal profit that could 
reasonably be considered contrary to the best interest of the TDCJ.

In addition, a person may not be employed in a TDCJ *Fair Labor Standards Act* (FLSA) 
exempt position if: (1) the person is an officer, employee, or paid consultant of a Texas 
trade association in the field of criminal justice; or (2) the person’s spouse is an officer, 
manager, or paid consultant for a Texas trade association in the field of criminal justice.

“Institution of Higher Education” means any public technical institute, public junior college, 
public senior college or university, medical or dental unit, or public state college.

“Multiple Employments” are concurrent paid employments for more than one state agency. 
Certain institutions of higher education are considered state agencies for the purpose of multiple 
employments, to include state universities and community colleges.

“Secondary Employer” is the other state agency or institution of higher education to which the 
TDCJ employee is applying for or has received approval for multiple employments.

“Work Cycle” is the consecutive seven-, eight-, or nine-day period of time during which the 
hours worked are computed to determine wage and time compensation.

**DISCUSSION:**

To request approval to work at another state agency or the Windham School District while 
employed with the TDCJ, an employee shall submit a PERS 407, Request for Multiple 
Employments (Attachment A), for approval in accordance with the procedures within this 
directive. If an employee is requesting approval to work for any other employer, for example a 
private employer, contract work, local government agency, or independent school district, the 
employee shall submit a PERS 398, Request for Outside Employment, for approval in 
accordance with PD-80, “Outside Employment.”

Certain institutions of higher education are considered state agencies for the purpose of multiple 
employments, to include state universities and community colleges. Private higher education 
institutions are not state agencies. See Attachment B, List of State Agencies and Institutions of 
Higher Education; this list may not be all-inclusive. References in this directive to “state 
agency” include “public institutions of higher education.”
PROCEDURES:

I. General Provisions

A. Primary Employer

The TDCJ is the primary employer for all TDCJ employees. The other state agency to which a TDCJ employee is applying or has received approval for multiple employments shall be considered the secondary employer.

B. Conditions

The following conditions shall be met for multiple employments with the state to be approved:

1. A conflict of interest shall not exist between the employee’s TDCJ office or position and the employee’s position with the secondary employer; and

2. The proposed multiple employments shall not interfere with the performance of duties with the TDCJ.

C. Limitations

1. An employee may not hold more than one TDCJ position.

2. A TDCJ employee may not work full-time for another state agency, unless approved in accordance with this directive.

3. An employee’s work hours or work cycle shall not be changed to accommodate multiple employments unless there is a clear benefit to the TDCJ.

D. Administrative Separation

An employee shall be informed during Direct Hire Sessions about the restrictions on multiple employments in accordance with this directive and provided an opportunity to prepare a PERS 407 at that time. An employee shall be administratively separated from TDCJ employment if it is determined that the employee is:

1. Working full-time for another state agency unless approved in accordance with this directive;

2. Employed by another state agency prior to receiving approval for such employment; or
3. Employed by another state agency after a request for such employment was not approved.

II. Approval Process

Requests for multiple employments shall be submitted and processed as follows:

A. Employee Responsibilities

An employee who elects to pursue secondary employment with another state agency shall complete and submit a PERS 407 to the employee’s warden or department head.

B. Warden or Department Head Responsibilities

The warden or department head shall:

1. Review the PERS 407;
2. Indicate approval or disapproval on the PERS 407; and
3. Forward the original PERS 407 to the appropriate division director.

A PERS 407 forwarded to the division director shall include original signatures. Original documents sent via fax shall be accepted.

C. Division Director Responsibilities

The division director or designee shall review the PERS 407 to determine if there is any conflict of interest between the multiple employments.

1. If no conflict of interest is found, the division director or designee shall forward the original PERS 407 to the human resources director for approval.

2. If a conflict of interest exists, the division director or designee shall return the PERS 407 to the employee’s human resources representative with a written explanation for the return.

D. Human Resources Director Responsibilities

The human resources director or designee shall review the request and indicate approval or disapproval on the PERS 407. If a PERS 407 is incomplete, incorrect, or does not contain sufficient information, it shall not be approved.
1. If approved, the human resources director or designee shall:
   a. Provide the employee’s human resources representative with two copies of the approved request;
   b. Provide the employee with a copy of the approved PERS 407; and
   c. Forward the original PERS 407 to Employee Services for scanning into the employee’s master human resources file.

2. If disapproved, the human resources director or designee shall:
   a. Return a copy of the PERS 407 to the employee’s human resources representative with a written explanation for the disapproval; and
   b. Forward the original PERS 407 and explanation to Employee Services for scanning into the employee’s master human resources file.

III. Human Resources Representative Responsibilities

A. Approved Requests

The human resources representative shall:

1. Maintain one copy of the approved PERS 407 in the employee’s unit or department human resources file; and

2. Provide one copy to the employee’s supervisor.

B. Disapproved Requests

If the request is not approved at any point, the PERS 407 shall be returned to the employee’s human resources representative with a written explanation for the disapproval. The human resources representative shall:

1. Maintain the disapproved PERS 407 in the employee’s unit or department human resources file;

2. Distribute a copy to the employee; and

3. Distribute a copy to the warden or department head.
IV. Changes to Employee’s Position or Work Schedule

An employee’s approved PERS 407 is only valid while the employee remains in the TDCJ position and work schedule held at the time the request was approved and only for the multiple employment position and work schedule described on the approved request. If an employee’s position or work schedule changes within the TDCJ or with the approved secondary employer, a new PERS 407 is required. However, the employee may continue employment with the previously approved secondary employer pending approval or disapproval of the new request.

V. Coordination of Benefits and Pay

Upon approval of multiple employments, the TDCJ payroll department shall coordinate with the secondary state agency payroll department to ensure the following stipulations are followed:

A. There shall be an official record of the compensation to be received by the employee from the TDCJ and the secondary employer, including salary, bonus, per diem, or other types of compensation.

B. The employee may not receive benefits from the state exceeding the benefits provided for one full-time employee.

C. The TDCJ and the secondary employer shall maintain personnel and leave records, including vacation and sick leave, in compliance with the provisions of applicable state law.
   1. Completely separate leave records shall be maintained for each employment.
   2. Time worked in one position may not be used as additional tenure credit for purpose of longevity or annual leave accrual for the other position.
   3. Upon an employee’s separation from one of the multiple employments, the leave balances accrued under the former employment shall not be transferred to the remaining employment.
   4. An employee is only entitled to receive longevity or hazardous duty payment for one employment.
   5. Overtime compensation accrues to each employment independent of the other, except when an employee is subject to the overtime provisions of the FLSA. When an FLSA non-exempt employee’s time worked for the secondary employer combined with the time worked for the TDCJ results in the employee being eligible for overtime compensation, the employee
shall be compensated for such overtime in accordance with the FLSA by
the secondary employer.

6. The employee accrues state service credit for all purposes as if the
employee had one employment.

D. For salary or wages paid after December 31, 1995, the “benefit replacement pay”
contributed by the state toward an employee’s portion of social security tax
liability is subject to the overall limit specified under law.

E. The total state contribution toward an employee’s group insurance is limited to no
more than the amount specified in the applicable state law for a full-time active
employee.

Bryan Collier
Executive Director
Texas Department of Criminal Justice  
Request for Multiple Employments  
(Type or Print in Black Ink) 

<table>
<thead>
<tr>
<th>TDCJ EMPLOYEE INFORMATION</th>
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<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>TDCJ Job Title:</td>
</tr>
<tr>
<td>Salary Group/Pay Rate:</td>
</tr>
<tr>
<td>FLSA Exempt □ or FLSA Non-Exempt □ (Check One)</td>
</tr>
<tr>
<td>TDCJ Regular Card Schedule and Hours: (Indicate AM or PM)</td>
</tr>
<tr>
<td>Description of TDCJ job duties:</td>
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<table>
<thead>
<tr>
<th>SECONDARY EMPLOYMENT INFORMATION</th>
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<tbody>
<tr>
<td>Agency Name:</td>
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<tr>
<td>Physical Location:</td>
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<tr>
<td>Position Applied For:</td>
</tr>
<tr>
<td>Work Days and Hours: (Indicate AM or PM)</td>
</tr>
<tr>
<td>FLSA Exempt □ or FLSA Non-Exempt □ (Check One)</td>
</tr>
<tr>
<td>Length of Proposed Employment:</td>
</tr>
<tr>
<td>Estimated Monthly Salary:</td>
</tr>
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**CERTIFICATION**

The proposed multiple employment shall not interfere with the performance of my TDCJ duties. I understand that a person employed by more than one state agency or institution of higher education may not receive benefits from the state that exceed the benefits provided for one full-time employee. I further understand that the TDCJ shall not be responsible for overtime compensation if the time worked for the TDCJ combined with the time worked for the secondary employer results in eligibility for overtime compensation. The secondary employer shall be responsible for such overtime compensation. I have read PD-81, which sets forth the requirements of Texas Government Code §§ 667.001–.009.

If this request is approved and either my current TDCJ job or my secondary job changes, a new request shall be required and shall be submitted.

Employee Signature | Date (mm/dd/yyyy)

Note to Employee: With few exceptions, you are entitled upon request: (1) to be informed about the information the TDCJ collects about you; and (2) under Texas Government Code §§ 552.021 and 552.023, to receive and review the collected information. Under Texas Government Code § 559.004, you are also entitled to request, in accordance with TDCJ procedures, that incorrect information the TDCJ has collected about you be corrected.
<table>
<thead>
<tr>
<th><strong>SECONDARY EMPLOYER APPROVALS</strong></th>
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<tr>
<td><strong>Supervisor Name:</strong> __________________________</td>
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<tr>
<td><strong>Address:</strong> __________________________</td>
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<td><strong>Supervisor Signature:</strong> __________________________</td>
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<tr>
<td><strong>Human Resources Representative:</strong> __________________________</td>
</tr>
<tr>
<td><strong>Name:</strong> __________________________</td>
</tr>
<tr>
<td><strong>Address:</strong> __________________________</td>
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<th><strong>TDCJ APPROVALS</strong></th>
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<tr>
<td><strong>Warden or Department Head</strong> Recommend: [ ] Approval [ ] Disapproval</td>
</tr>
<tr>
<td><strong>Comments:</strong> __________________________</td>
</tr>
<tr>
<td><strong>Warden or Department Head Printed Name</strong> __________________________</td>
</tr>
<tr>
<td><strong>Warden or Department Head Signature</strong> __________________________</td>
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<tr>
<td><strong>Division Director</strong> Conflict of interest between the two jobs? [ ] Yes [ ] No</td>
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<td><strong>Comments:</strong> __________________________</td>
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<tr>
<td><strong>Division Director or Designee Printed Name</strong> __________________________</td>
</tr>
<tr>
<td><strong>Division Director or Designee Signature</strong> __________________________</td>
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<tr>
<td><strong>Human Resources Director</strong> Recommend: [ ] Approval [ ] Disapproval</td>
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<tr>
<td><strong>Comments:</strong> __________________________</td>
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<tr>
<td><strong>Human Resources Director or Designee Printed Name</strong> __________________________</td>
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<tr>
<td><strong>Human Resources Director or Designee Signature</strong> __________________________</td>
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INSTRUCTIONS

A. Requesting Employee:
Submit request to warden or department head for approval.

B. Warden or Department Head:
Forward the original PERS 407 to the appropriate division director.

C. Appropriate Division Director:

   No Conflict of Interest Determined:
   Forward original to the human resources director.

   Conflict of Interest Determined:
   1. Forward original with written explanation to Employee Services for scanning into the employee’s master human resources file; and
   2. Provide a copy to the employee’s human resources representative.

D. Human Resources Director:

   Approved Request:
   1. Provide the employee’s human resources representative with two copies of the approved request;
   2. Provide the employee with a copy of the approved PERS 407; and
   3. Forward the original PERS 407 to Employee Services for scanning into the employee’s master human resources file.

   Disapproved Request:
   1. Return a copy of the PERS 407 to the employee’s human resources representative with a written explanation for the disapproval; and
   2. Forward the original PERS 407 and explanation to Employee Services for scanning into the employee’s master human resources file.

E. Human Resources Representative:
   1. Maintain a copy in the employee’s unit or department human resources file, Employment section;
   2. Provide a copy to the employee, if disapproved; and
   3. Provide a copy to the employee’s supervisor, if approved.
List of State Agencies and Institutions of Higher Education
(List may not be all inclusive)

Abilene State Supported Living Center
Accountancy, Board of Public
Administrative Hearings, Office of
Affordable Housing Corporation
Aging and Disability Services, Dept. of
Agriculture, Department of
AgriLife Extension Service, Texas
AgriLife Research, Texas
Alamo Community College District
Alcoholic Beverage Commission
Alvin Community College
Amarillo College
Anatomical Board
Angelina and Neches River Authority
Angelina College
Angelo State University
Animal Health Commission
Apiary Inspection Service
Appeals, Court of, First thru Fourteenth Dist.
Appraiser Licensing and Certification Board
Architectural Examiners, Board of
Arts, Commission on the
Attorney General
Auditor
Austin Community College
Austin State Hospital
Austin State Supported Living Center
Banking, Department of
Bar of Texas, State
Big Spring State Hospital
Blind and Visually Impaired, School for the
Blinn College
Bond Review Board
Brazos River Authority (BRA)
Brazosport College
Brenham State Supported Living Center
Canadian River Municipal Water Authority
Cancer Prevention and Research Institute
Central Texas College
Chiropractic Examiners, Board of
Cisco College
Civil Commitment Office, Texas
Clarendon College
Coastal Bend College
College of the Mainland
Collin County Community College
Competitive Government, Council on
Comptroller of Public Accounts
Consumer Credit Commissioner, Office of
Corpus Christi State Supported
County and District Retirement System
Court Administration, Office of
Credit Union Department
Criminal Appeals, Court of
Criminal Justice, Department of
Dallas County Community College
Deaf, School for the
Del Mar College
Dental Examiners, Board of
Denton State Supported Living Center
Developmental Disabilities, Office of
Drought Preparedness Council
Education Agency
Educational Technology, Center for
 Educator Certification, State Board for
Edwards Aquifer Authority
El Paso Community College
El Paso Psychiatric Center
El Paso State Supported Living Center.
Emergency Communications (911)
Emergency Services Retirement System
Employees Retirement System
Engineering Experiment Station, TX
Engineering Extension Service, TX
Engineers, Board of Professional
Environmental Quality, Commission on
Ethics Commission
Facilities Commission
Family and Protective Services, Dept. of
Feed and Fertilizer Control Service
Finance Authority, Public
Finance Commission
Fire Protection, Commission on
Forest Service, Texas
Frank Phillips College
Funeral Service Commission
Galveston College
Geoscientists, Board of Professional
Governor, Office of the
Grayson County College
Groundwater Protection Committee
Guadalupe-Blanco River Authority
Gulf Coast Waste Disposal Authority
Headwaters Groundwater Conservation
Health and Human Services Commission
Health Professions Council
Health Services, Department of State
High Plains Underground Water Conserv.
Higher Education Coordinating Board
Hill College
Historical Commission
House of Representatives
Housing and Community Affairs, Dept. of
Houston Community College
Howard College
Information Resources (DIR), Dept. of
Injured Employee Counsel, Office of
Insurance Counsel, Office of Public
Insurance, Department of
Jacksonville College
Jail Standards, Commission on
Judicial Branch Certification Commission
Judicial Conduct, Commission on
Judicial Council
Juvenile Justice Department
Kerrville State Hospital
Kilgore College
Land Board, Veterans
Land Office, General
Land Surveying, Board of Professional
Laredo Community College
Lavaca-Navidad River Authority
Law Enforcement, Commission on
Law Examiners, Board of
Law Library
Lee College
Legislative Budget Board
Legislative Council
Legislative Reference Library
Legislature
Library and Archives Commission
Licensing and Regulation, Department of
Lieutenant Governor, Office of
 Lone Star College System
Lottery Commission
Lower Colorado River Authority
Lubbock State Supported Living Center
Lufkin State Supported Living Center
McLennan Community College
Medical Board
Mexia State Supported Living Center
Midland College District
Midwestern State University
Military Department
Motor Vehicles, Department of
Municipal Retirement System
Navarro College
Non-Anatomical Board
North Central Texas College
North Plains Ground Water Conserv. Dist.
North Texas State Hospital
North Texas Tollway Authority
Northeast Texas Community College
Nueces River Authority
Nursing, Board of
Odessa College
Optometry Board
Panhandle Groundwater Conservation Dist.
Panola College
Paris Junior College
Parks and Wildlife Department
Pension Review Board
Pharmacy, Board of
Physical and Occupational Therapy
Plumbing Examiners, Board of
Podiatric Medical Examiners, Board of
Prairie View A&M University
Preservation Board
Prosecuting Attorney, Office of the State
Psychologists, Board of Examiners
Public Safety, Department of
Public Utility Commission
Public Utility Counsel, Texas Office of
Racing Commission
Railroad Commission
Ranger College
Real Estate Commission
Red River Authority
Richmond State Supported Living
Rio Grande Regional Water Authority
Risk Management, Office of
Rusk State Hospital
Sabine River Authority
Sam Houston State University
San Angelo State Supported Living
San Antonio State Hospital
San Antonio State Supported Living
San Jacinto College District
San Jacinto River Authority
Savings and Mortgage Lending, Dept. of
Secretary of State
Securities Board
Senate
Skill Standards Board
Soil and Water Conservation Board
South Plains College
South Texas College
Southwest Collegiate Institute
Southwest Texas Junior College
State-Federal Relations, Office of
Stephen F. Austin State University
Sul Ross State University
Sulphur River Basin Authority
Sunset River Basin Authority
Supreme Advisory Commission
Supreme Court
Tarleton State University
Tarrant County College
Teacher Retirement System
Temple College
Terrell State Hospital
Texarkana College
Texas A&M University System
Texas Southern University
Texas Southmost College
Texas State Technical College
Texas State University System
Texas Tech University System
Texas Woman’s University
Toxic Substances Coordinating Committee
Transportation Institute, Texas
Transportation, Department of
Trinity River Authority
Trinity Valley Community College
Tyler Junior College
University of Houston System
University of North Texas System
University of Texas System
Upper Colorado River Authority
Upper Guadalupe River Authority
Vernon College
Veterans Commission
Veterinary Medical Diagnostic Lab
Veterinary Medical Examiners, Board of
Victoria College
Waco Center for Youth
Water Development Board
Weatherford College
Western Texas College
Wharton County Junior College
Wildlife Services, Texas
Windham School District
Workforce Commission

Questions should be directed to the Human Resources Division, 936-437-4088.