SUBJECT: SUPPLEMENTAL AND OVERLOAD COMPENSATION AND CONSULTATION

I. PURPOSE:

A. To outline the University's policy toward payment of supplemental and overload compensation above base salary to faculty and academic administrators with faculty rank from funds administered and paid by SUU.

B. To outline the University's policy on employment responsibilities and restrictions on outside remunerative employment activities (consultation).

II. DEFINITIONS:

A. Full time - An employment relationship, applicable to faculty and academic administrators with faculty rank which requires a commitment of 100% of the individual's normal and expected working time and effort. Full-time employment is generally inconsistent with the acceptance of any other regular employment.

B. Base salary - The total compensation approved in advance as the amount payable from any funds administered by the University for normal and expected full-time effort.[1]

C. Supplemental compensation - The salary paid for an employment condition in which the total time devoted by an employee for all assignments held exceeds the nine-month period considered as the starting point for base salary for faculty and department chairs, or exceeds the eleven-month period considered as the starting point for base salary for academic administrators with faculty rank. For non-teaching assignments, such salary is paid at a percentage rate of base salary depending upon how many months the employee is working above the base salary period. For teaching assignments, such salary is generally paid as a percentage of tuition collected (65%) for classes smaller than 10 students, and at a predetermined standard rate per credit hour for classes above 10 students.

[1] A nine month period is considered as the starting point for base salary (100% FTE) for all faculty and department chairs. For academic administrators with faculty rank, an eleven month period is considered as the starting point for base salary (100% FTE).

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D. Overload compensation - The salary paid for an employment condition in which the total time devoted by an employee for all assignments held concurrently exceeds the 100% effort recorded on the employee's regular or supplemental contract. Such salary for teaching assignments is paid at a predetermined standard rate of dollars per credit hour for classes above 10 students.

E. Funds administered by the University - Funds administered by the University include general funds, uniform school funds, mineral lease funds, grant and contract funds, restricted and unrestricted funds, auxiliary funds, plant funds, SUUSA funds, development funds, and any other funds under the control of the University that are available for payment of compensation.

F. Sponsored research contract or grant - A contractual arrangement with a federal, state, private, or other non-University agency under which funds are made available and are administered by the University for a specified research or training project or program.

G. Consultation agreement - An independent contractual agreement entered into by a University employee, acting outside the course and scope of employment and solely in a personal capacity, for the performance of consulting services.

III. POLICY

A. Supplemental and Overload Compensation Policy

1. Unless specific authorization to the contrary is obtained, as provided herein, the total salary payable during the fiscal year to an exempt employee may not exceed that employee's base salary annualized over a twelve-month period.

2. Supplemental or overload compensation payable from funds administered by the University is permitted only under the conditions specified herein. Any such payments made for any reason, in violation of this policy and procedure, constitute an indebtedness from the recipient to the University.

3. Salary for services under separately designated assignments must be paid in proportion to the effort expended on each assignment and at

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the same rate for each assignment, unless approved in writing by the awarding agency.

4. When a faculty member agrees to teach a course outside of his/her own department during a regular teaching semester, that course will be scheduled as part of the faculty member's normal teaching load and no supplemental or overload compensation will be paid unless prior arrangement for overload or supplemental pay has been made between the respective department chairs.

5. For non-teaching or teaching services performed on a separate, supplemental work assignment during the interval following the end of a normal full-time work assignment and before the commencement of another normal full-time work assignment (e.g., during a nonworking semester for faculty members or department chairs on nine-month appointments at 100% FTE, or during the nonworking month for academic administrators with academic rank on eleven-month appointments at 100% FTE), supplemental compensation may be paid from funds administered by the University, subject to the following limitations and conditions offered as examples:

   a. For non-teaching assignments, the maximum supplemental compensation payable to a faculty member or department chair on a nine-month appointment at 100% FTE, for services performed on a one-month, two-month, or three-month basis during summer session, is, respectively, one-ninth, two-ninths, or three-ninths of the individual's nine-month base salary.

   b. For non-teaching assignments, the maximum supplemental compensation payable to an academic administrator with faculty rank on an eleven-month appointment at 100% FTE for services performed on an additional one-month basis is one-eleventh of the faculty member's eleven-month base salary.

   c. For teaching assignments in summer session, fall and spring semesters, faculty members or academic administration with academic rank may receive 65% of the tuition collected in the class for courses with enrollments less than 10 students. For courses with enrollments above 10 students, faculty generally will receive a pre-determined fixed rate per credit hour.

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6. Overload assignments and the payment of overload compensation for teaching that is coordinated by the Division of Continuing Education or for other such assignments are authorized on a nonpermanent basis if the following conditions are met:

   a. Faculty members may engage in research, sponsored projects, training grants, extra teaching[2], etc., during the year in which they also fulfill the requirements of their regular or summer faculty appointment at the University, and be reimbursed as overload compensation a maximum of 22 percent of the basic salary earned during their regular appointment.[3] If any portion of the overload pay is to be paid from federal funds, written permission for that overload pay must be obtained in advance from the agency that granted or authorized the use of the federal funds.

   b. A faculty member may teach a maximum of one class, not to exceed five credit hours, in any semester during the twelve-month academic year for overload compensation from Southern Utah University.

   c. In addition to scholarly and service roles, a full-time faculty member's teaching assignment at SUU is usually considered as 24 credit hours maximum of scheduled lecture/laboratory courses per academic year for 100% of the individual's normal and expected working time and effort on a nine-month appointment. An exception to the maximum of 24 credit hours will be when a faculty member teaches only 3 classes per semester during the year, and yet still exceeds the 24 credit hours maximum. Academic administrators with teaching responsibilities have credit hour assignments which are based on their particular FTE percentage of 24 credit hours devoted to teaching (e.g. a department chair with a 50% FTE teaching assignment is responsible for 12 credit hours of scheduled lecture courses in the nine-month academic year).[4]

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[2] Through the Division of Continuing Education.
[3] Restricted to a maximum of 7 1/3% in any given semester
[4] Supervisory courses on a TBA basis, such as independent study, practica, cooperative education, internship, and student teaching do not normally count within this teaching assignment. Such supervisory assignments, if teaching credit is granted, must be discounted

by appropriate considerations and assigned a "lecture credit hour value" by the appropriate department chair and dean.

d. Overload compensation is granted only when a faculty member or academic administrator teaches in excess of their 100% normal and expected lecture4 teaching assignment. Such pay is determined at a fixed rate per credit hour for all overload compensation for all employees.

7. Instructional. Nothing in this policy and procedure statement is intended to preclude University personnel from entering into independent consultation agreements if such contract services (a) are not within the normal performance expectations of the University arising from the employee's University position; (b) are to be performed outside of the normal working time and work assignment of the employee and not under the direction, supervision, or control of the University; and (c) do not involve a conflict of interest prohibited by the Utah Public Officers' and Employees' Ethics Act

8. All additional supplemental or overload compensation will be paid through the payroll system, subject to applicable withholding and deductions.

9. Approval requirements for supplemental or overload compensation for faculty members follow:

a. Provost, College Dean, and Dean of Continuing Education for all faculty members receiving extra compensation or overload pay for courses coordinated through the Division of Continuing Education.

b. Provost, College Dean, and grant administrator for individuals who are compensated wholly or in part by sponsored funds.

B. Consultation Policy

1. All personnel of the University holding full-time positions shall give full service to the work of the University during scheduled work periods. Any non-university employment must not interfere with the

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discharge of the person's full time service obligations to the University.

a. Faculty members are encouraged to be professionally engaged with their respective areas of expertise. Each faculty member is responsible, however, to inform, in writing and in advance, his/her immediate supervisor of all outside paid professional activities.

b. In any case in which present or contemplated outside employment is believed to involve a question as to a potential conflict of interest, the concerned individual is encouraged to seek advice from the administration and, where appropriate, from University counsel's office, by requesting an opinion through the Provost.

2. The University approves of public service activities that are compatible with full performance of University duties and consistent with University policies and procedures.

3. Faculty members may not accept employment for, and may not perform, any teaching, instructional, or research services for other academic institutions during teaching semesters without the knowledge and written approval of the cognizant department chair, dean and provost. Compensated or uncompensated participation in an occasional short-term conference, seminar, or symposium or the delivery of a scholarly paper or public address at a professional meeting or academic gathering under the auspices of an academic institution, does not violate this policy.

4. Full-time faculty members may maintain off-campus business or professional telephone listings in their own name, or establish off-campus offices for non-university related professional or business activities, after informing, in writing, department chair and dean or appropriate supervisor.

5. Consultation and other services to persons, firms, institutions, and agencies outside the University may be carried on by faculty members as long as the performance of such service obligations to the University are subject to the following restrictions:

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a. Faculty members are allowed two days a month for either consulting or outside employment, not counting weekends or holidays. Unused consultation time may not be accumulated. The University has no obligation to compensate personnel for authorized consultation time that, for any reason, is not used.

b. Use of consultation time should have a demonstrable relation to the professional interests of the faculty members or administrative officer.

c. Any absence from the University for the purpose of consultation services may be recorded as an excused absence for approved consultation only if the restrictions of this section have been satisfied.

d. Consultation may take place in a faculty member's office or laboratory.

e. If a faculty member's office or laboratory is used for consultation services, the faculty member shall not use University staff members, i.e., secretaries or student aids, as support personnel for his consultation activities.

f. The individual engaged in consultation activities must arrange in advance, with the approval of the responsible department chair, director, or other line officer, for scheduling of classes or other work assignments missed as the result of consultation activities.

6. University employees engaged in consultation services authorized by this policy must assume the following responsibilities to assure compliance with this policy and with applicable legal requirements.

a. The University employee must advise the person, firm, or agency for whom such consultation services are to be performed that (1) the employee, in his/her role as a consultant, is acting solely as an independent contractor, and not as an agent or employee, or under the sponsorship, auspices, or control of SUU, and (2) the University assumes

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no responsibility whatever, express or implied, for the actions or omissions of the employee in his/her role as a consultant.

b. The University employee must personally assure that the conditions and limitations upon external consulting activities, as specified in this policy, are fully satisfied, and must be prepared to document that fact if called upon to do so by a responsible University officer.

c. Before entering into a consultation contract, the University employee must personally determine that the contemplated consultation activities and arrangements will not involve a conflict of interest with the individual's duties to the University that may be in violation of the Public Officers' and Employees' Ethics Act.

7. Teaching and other activities coordinated by the division of continuing education, special institutes, television, and other University approved programs and activities, are not considered outside activities. Members of the faculty who are able to render full employment services to the University, and at the same time serve the interests of the people of the state by service coordinated by the division of continuing education, are encouraged to do so.

IV. Application--Professional and Executive Staff Personnel

A. PURPOSE: The purpose of this section is to define the applicability of this policy to professional and executive staff personnel who teach.

B. OVERLOAD STATUS: This term is defined as an employment condition in which the total time devoted by an employee for all assignments held concurrently exceeds the 100% effort recorded or inherent in the employee's regular exempt appointment or assignment.

1. For professional and executive staff personnel who teach during the normal 8 a.m. to 5 p.m. work period, Monday through Friday, overload status may be accorded and overload compensation may be authorized by the appropriate supervisors. When such overload status is authorized, it is expected that one of the following conditions will apply:

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a. the professional or executive staff member will use a lunch period for instruction, or

b. the professional or executive staff member will take annual leave time, or

c. the professional or executive staff member will put in added time beyond the 8 a.m. to 5 p.m. work schedule in compensation therefore.

2. For professional and executive staff personnel who teach outside the normal work period (including early mornings, evenings, or weekends), overload status may be accorded. Overload compensation may be authorized for staff and executive personnel who teach in these time periods.

3. If the teaching responsibility is a regular part of the professional or executive staff member's assignment during the normal 8 a.m. to 5 p.m. work period, Monday through Friday, no overload status will be accorded based on one (or possibly both) of the following conditions applying:

a. The teaching responsibility is an assigned portion of the employees' regular appointment which has been agreed upon by the appropriate supervisors with benefits accruing to the affected department through the development of the professional or executive staff member who teaches, or

b. An appropriate portion of the professional or executive staff member's salary will be paid by the department(s) for whom the professional or executive staff member is teaching.

C. APPROVAL: Professional and executive staff members who teach must receive approval to do so from the following, regardless of whether they obtain release time or overload status:

1. It is the responsibility of the appropriate college dean and provost to obtain preliminary approval from the appropriate supervisor for such teaching assignments before discussion occurs with the particular professional or executive staff member.

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2. Academic Approval - The appropriate department chair, dean, Dean of Continuing Education, and the Provost must approve. Approval must occur by signature on a supplemental contract if release time or overload compensation is granted.

3. Non-Academic Approval - The immediate supervisors, up to and including the appropriate vice-president*, must approve the teaching assignment for the professional or executive staff member. Approval must occur by signature on a supplemental contract if release time or overload compensation is granted.

V. Application--Classified Staff Personnel

A. PURPOSE: The purpose of this section is to define the applicability of this policy to classified staff personnel who teach.

B. OVERLOAD STATUS: This term is defined as a teaching employment condition in which the total time devoted by an employee for all assignments held concurrently exceeds the 100% effort recorded or inherent in the employee's regular appointment or assignment.

1. For classified staff personnel who teach during their normal forty-hour work period, Monday through Friday, overload status may be accorded and overload compensation may be authorized by the appropriate supervisors. When such overload status is authorized, it is expected that one of the following conditions will apply:

a. the classified staff member will use a lunch period or similar break time for instruction, or

b. the classified staff member will take annual or other compensatory leave time, or

c. the classified staff member will put in added time beyond the normal work schedule to restore their weekly effort to forty hours.

* For vice presidents, approval of the president must be obtained.

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2. For classified staff personnel who teach outside the normal work period (including early mornings, evenings, or weekends), overload status may be accorded. Overload compensation may be authorized for classified staff who teach in these time periods.

3. If the teaching responsibility is a regular part of the classified staff member's assignment during the normal forty hour work period, Monday through Friday, no overload status will be accorded based on one (or possibly both) of the following conditions applying:

a. The teaching responsibility is an assigned portion of the employees' regular appointment which has been agreed upon by the appropriate supervisors with benefits accruing to the affected department through the development of the classified staff member who teaches, or

b. An appropriate portion of the classified staff member's salary will be paid by the department(s) for whom the classified staff member is teaching.

C. APPROVAL: Classified staff members who teach must receive approval to do so from the following, regardless of whether they obtain release time or overload status:

1. It is the responsibility of the appropriate college dean and provost to obtain preliminary approval for such teaching assignments before discussion occurs with the particular classified staff member.

2. Academic Approval - The appropriate department chair, dean, Dean of Continuing Education, and the Provost must approve. Approval must occur by signature on a supplemental contract if release time or overload compensation is granted.

3. Non-Academic Approval - The immediate supervisors, up to and including the appropriate vice-president, must approve the teaching assignment for the classified staff member. Approval must occur by signature on a supplemental contract if release time or overload compensation is granted.

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