



# Dual Appointment Frequently Asked Questions

Last Revision: 06/21/2016

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## EMPLOYER – Dual Appointment Frequently Asked Questions (FAQs)

### IMPLEMENTATION & TRANSITION

**1. Why has the name “Joint Employment” been changed to “Dual Appointment?”**

During the final legal review, it was recommended to change “Joint Employment” to “Dual Appointment.” That’s because “Joint Employment” is a term of art in employment law referring to an employee’s jointly working for two different employers, and other revisions reflect state law that different USG institutions are not separate legal entities (all one under the Board of Regents) and therefore not separate “employers.”

**2. When will the Dual Appointment updates to the Human Resources Administrative Practices Manual (HRAP) and the Business Procedures Manual (BPM) become effective?**

July 1, 2016 will be the effective date of the policy.

**3. What should my institution do about Dual Appointment Agreements/Arrangements currently in place?**

Those agreements may remain intact through the end of the Dual Appointment engagement. However, the limitation of one agreement per institution per fiscal year will be applied and a new agreement will need to be executed if the engagement goes past June 30, 2016. The new agreement and invoicing/payment process should be followed immediately after implementation. Any discrepancies between the current agreement and the new invoicing and payment process should be discussed with the Dual Appointment Coordinators at each institution.

Current Dual Appointment Agreements should be forwarded to the designated Dual Appointment Coordinator, and they will be responsible for managing the remainder of the engagement.

**4. The USG is recommending a Dual Appointment Coordinator (DEA) at each institution. In what functional area should the institution’s Dual Appointment Coordinator responsibilities reside?**

Ideally, it is recommended that the institution’s Dual Appointment Coordinator be a function



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within the Human Resources area. If an institution has multiple Dual Appointment Coordinators one should be designated as the primary contact for the institution.

The addition of this duty does not necessarily mean the addition of headcount at your institution. Your institution needs to determine if these roles and responsibilities can be additional duties for a current position.

Once established, the institution Dual Appointment Coordinator list will be posted on the BOR website.

**5. The previous Employment Compensation Agreement (referenced in BPM 5.3.3) includes a list of “employee to perform services as” (as defined in O.C.G.A. 45-10). Is it still required that an employee fall into one of these categories to be a dual appointee?**

State law prohibits a state employee from “transacting business” with his or her own state agency unless the transaction falls within certain exceptions. See O.C.G.A. § 45-10-20 through § 45-10-28. In some instances, an employee’s taking on an employment role at a second institution may constitute transacting business with his or her own agency (i.e. the Board of Regents of the University System of Georgia). These situations need to be considered on a case-by-case basis. Nevertheless, as a general guideline: a “more than full-time equivalent dual appointment” in which the employee takes annual leave to work at the Requesting Institution during his or her normal business hours at the Home Institution will likely constitute such a transaction, and a “more than full-time equivalent dual appointment” in which the employee works full time for the Home Institution and then works outside normal business hours for the Requesting Institution often will as well. A “full-time equivalent dual appointment” conducted during normal business hours and coordinated between the Home and Requesting Institutions will likely not constitute such a transaction.

Situations that do constitute “transacting business” with the employee’s own state agency, as defined at O.C.G.A. § 45-10-20, are prohibited unless they meet one of the following exceptions:

- Full-time employee where the second appointment is serving as a member of the governing board of a private, nonprofit, educational, athletic, or research related foundation or association that is organized for the purpose of supporting institutions of higher education in Georgia and that in furtherance of this purpose may transact business with such institutions or with the Board of Regents of the University System;



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- Part-time employee where the second appointment does not exceed \$250 for a single transaction and does not exceed \$9000 in the aggregate in the calendar year;
  - Full-time or part-time employee (where the second appointment is part-time) who holds a doctoral or master's degree from an accredited college or university and/or is a licensed physician, dentist, or psychologist, a registered nurse or licensed practical nurse, or a certified oral or manual interpreter for deaf persons, chaplain, or firefighter; and the other approval requirements of O.C.G.A. § 45-10-25(a)(8) are met;
  - Full-time or part-time employee where the second appointment is serving as a teacher or instructor of an evening or night course or program; and the other approval requirements of O.C.G.A. § 45-10-25(a)(15) are met; or
  - Any other applicable exception set forth for in O.C.G.A. Title 45, Chapter 10, Article 2.

## 6. A. How does the USG define Home Institution (HI)?

The Home Institution that employs the individual whose services are requested by another USG institution. The Home Institution is the employee's primary place of employment and is the institution considered as the common paymaster.

Home Institution Roles and Responsibilities:

- Is designated by Dual Appointment Coordinators based on examples in Appendix A
  - If designation cannot be made, contact SSC Dual Appointment Coordinator for further guidance
- Certifies in writing that the employee is available to perform such services and that the performance of such service will not have a detrimental effect on their Home Institution work commitment
- Is responsible for funding the Home Institution's portion of associated costs as outlined/agreed upon in Compensation Details of the Dual Appointment Agreement
- Serves as the Common Paymaster as defined for private employers by O.C.G.A. § 34-8-27
- Is responsible for the execution of the Dual Appointment Agreement **prior** to work initiating
- Invoices the Requesting Institution for payment made to the employee
- Maintains personnel data and records
- Proactively ensures work hours requested are in compliance with the Employee Categories Policy
- Ensures compliance with Federal and State laws, including immigration, FLSA (overtime) and effort reporting where applicable
- Is responsible for paying overtime at the rate assigned to the position that incurs the overtime



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- Is responsible for working with RI to evaluate the employee's multiple positions to determine the appropriate FLSA status
  - Assumes personnel-related liabilities associated with both engagements, i.e. leave accruals, FMLA, worker's compensation, etc.
  - Ensures hours worked are reported to central location for ACA compliance monitoring
  - Negotiates travel expense payment, if applicable, with RI and employee
  - Holds the primary job in HRMS (if SSC Supported school)
  - Is responsible for completing the USG Contract Addendum for Temporary Overload Compensation (if applicable)
  - Is responsible for sharing minimal credentialing of any Dual Appointee for SACS/COC compliance with RI

## **B. What if the institutions cannot determine which institution should be considered the Home Institution?**

If there is a question as to which institution should be considered the Home Institution, the initial discussion should be between the Dual Appointment Coordinators at the Home and Requesting Institutions.

The Shared Services Center will assist the Dual Appointment Coordinators in resolving any procedure questions. A Dual Appointment Coordinator may contact the Shared Service Center via [usgdatahelp@ssc.usg.edu](mailto:usgdatahelp@ssc.usg.edu) or call the SSC Helpdesk at (478) 240-6500. The SSC will seek further clarification from the Board of Regents office if necessary.

## **7. The new Dual Appointment documentation states that the agreement should be executed prior to work initiating. How should an institution handle last minute Dual Appointment hires given the new information and approvals required?**

The role of Dual Appointment Coordinator is expected to aid in expediting the completion of the Dual Appointment Agreement. However, there is an appreciation for exceptions where faculty are hired last minute to accommodate enrollment. Given this should be an exception, the Requesting Institution will need to provide a justification on the Dual Appointment Agreement for the late submission and still follow the documented process to gain required approvals after the employee has started work.

Employees should be paid in a timely manner following the execution of the Dual Appointment Agreement. After receiving finalized agreement and verification of work as expected duties are completed, the Home Institution should pay the employee per FLSA guidelines.



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## 8. Can a Dual Appointment Agreement cross multiple calendar or fiscal years?

Each Dual Appointment Agreement should be re-executed each fiscal year to ensure budget allocations are agreed upon. If a dual faculty appointee is employed for a term that spans two (2) fiscal years, one DAA is acceptable provided details concerning the funding split between fiscal years are included on the DAA. Dual Appointment Agreements may cross over multiple calendar years; however, consideration must be made for timeliness of paying employee to ensure proper earnings/tax reporting.

## 9. Can an employee have multiple Dual Appointment engagements?

An employee, either faculty or staff, may have multiple engagements. The Dual Appointment Coordinator is responsible for ensuring that the Home Institution's commitment is not affected by other engagements and that the President (or designee) is aware of the multiple engagements.

## CLASSIFICATION, PAY AND BENEFITS

### 10. A. How should employees with different pay statuses (i.e., exempt vs non-exempt) that are dual appointed be handled?

Under the FLSA, an employee may have only one "status" with the same employer – exempt or non-exempt. Thus, if an employee works in two (or more) positions, the positions should be evaluated together to determine whether the employee may be considered exempt. If an employee's "primary duty" is the performance of exempt work, then the employee may be considered exempt for all purposes. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Please note that this is a facts and circumstances test that must be performed for each employee, based on factors including, but not limited to:

- The importance of the exempt work as compared to the non-exempt work; and
- The amount of time performing exempt work as compared to the non-exempt work.

There is no hard and fast rule that may be applied here. Each individual's situation must be evaluated independently. The employee's positions must all be evaluated together to determine the employee's "primary duties" and FLSA status.

Classification discussions should take place between Dual Appointment Coordinators (and if those DACs do not reside in HR, they should work with HR) to determine status.



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### **B. How should employees that are dual appointees be handled where their main job is non-exempt but they are qualified to teach part-time in a position that has been classified as exempt?**

Per U.S. Department of Labor: *To qualify for the exemption the employee's "primary duty" must be the performance of "teaching, tutoring, instructing or lecturing." 29 C.F.R. § 541.303(a). The term "primary duty" means the "principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee."*

*Based on the information provided, we [U.S. Department of Labor] must conclude that the primary duty of the employees in question is working in their full-time, nonexempt positions, rather than their part-time teaching jobs. They spend the majority of their time performing nonexempt duties in their full-time jobs. The time spent as a part-time teacher is a small portion of the time spent as a full-time employee engaged in nonexempt duties. When we consider the character of these particular employees' jobs, viewed as a whole, we must conclude that their regular, full-time nonexempt positions provide more relative importance to the College than their part-time teaching duties. Thus, under these particular facts, the section 13(a)(1) exemption for teachers does not apply to them.*

The U.S. Department of Labor's response may result in a position (part-time faculty) that would normally be classified as exempt to be reclassified to non-exempt if the employee is a dual appointee and a majority of their work is non-exempt.

Classification discussions should take place between Dual Appointment Coordinators (and if those DACs do not reside in HR, they should work with HR) to determine status.

### **C. Because the employees at issue are part-time teachers, and teachers are treated as a specific class of exempt professional employees under the FLSA, are these employees exempt from overtime provisions while they are teaching and imparting knowledge?**

Per U.S. Department of Labor: *Section 3 of the FLSA defines "employee" as "any individual employed by an employer" and "employ" as including "to suffer or permit to work." Work not requested but suffered or permitted is work time. Thus, a teacher who does not qualify for the section 13(a)(1) exemption who spends time preparing for class or tutoring in addition to actual classroom instruction time is "suffer[ed] or permit[ted] to work" during those additional*



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activities. ***If the employer knows or has reason to believe that the work is being performed, the employer must count the time as hours worked.***

Example:

Jan Smith is a full time police officer at Clayton State who has a master's degree in public administration and teaches a 3 contact hour course for Georgia Highlands. The standard work hours for the 3 contact hour course are 8.25 per week, but Officer Smith has elected to work additional hours tutoring students. Even though these hours were not approved in advance, and were not requested by the department chair, she has performed the work (she has been suffered or committed to work) and must be paid for the hours. She can be informed that she is no longer allowed to work additional and will be subject to corrective action if that occurs.

*However, nothing in the FLSA prohibits an employer from paying an employee at different rates for work at different times or for various types of work as long as no rate is less than the statutory minimum wage. Ordinarily when an employee in a single workweek works at two or more different types of work for which different non-overtime rates of pay have been established, his or her regular rate for that week is the weighted average of those rates. However, under the provisions of § 7(g)(2), no employer will be deemed to have violated the overtime pay requirements of the FLSA by employing employees for a workweek in excess of the statutory maximum applicable to them if, pursuant to a prior agreement or understanding, the overtime compensation for employees performing two or more kinds of work for which different straight time rates of pay have been established is computed at not less than one and one-half times the bona fide rates applicable to the same work when performed during non-overtime hours.*

Example:

Officer Smith has agreed that any overtime incurred in her job as a police officer will be calculated at the hourly rate she is paid as a police officer (the lower hourly rare) rather than the hourly rate which for which she is paid as a part time teacher (the high hourly rate).

### **D. How should student employees who are dual appointees be handled?**

Student employment, more specifically when Dual Appointment is considered, is a complex situation being worked on by Dual Appointment Task Force, Student Employment Policy Committee and the oneusg project. Additional information will be shared as it becomes available.



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**E. If an employee at the Home Institution is a PT student at the Requesting Institution and has a position at the Requesting Institution with student worker status, is it correct to consider this employee an employee first and a student second and not subject to the FICA exemption due to primary status as employee?**

This would be a facts and circumstances test for each individual employee. The institutions would need to determine whether the employee, based on his course load, the types of positions he holds, and the total number of hours he works each week under all combined positions, is considered an employee first and a student second. Please note that if the employee works 40 or more hours per week, he will always be considered an employee first and a student second. If you determine that he is considered an employee first and a student second, then you should withhold FICA from the wages he earns in all positions.

**11. How should overtime be managed for non-exempt employees who are dual appointees with more than one USG institution? Who pays overtime (1.5 rate) when over 40 hours?**

If an employee is considered to be non-exempt, and the employee has multiple jobs/positions and he/she works more than 40 hours across all jobs/positions combined, overtime will be earned according to FLSA guidelines (<http://www.dol.gov/whd/regs/compliance/whdfs35.htm>).

Earned overtime will be paid at the rate assigned to the position that incurs the overtime. If an employee has multiple jobs, the following logic will be applied to determine the overtime distribution.

Example:

(A) The employee's primary job will incur overtime for all hours worked over 40 that are reported under the primary position. If the primary job reports 45 hours in one FLSA calendar week, 5 hours of overtime will be charge to the primary job/position.

A: JOB #	Rate	Primary/ Secondary	Reported Hours	JSR Hours	JOT Hours
1	\$10.00	Primary	45.0	40.0	5.0
2	\$15.00	Secondary			

(B) If the employee's primary job reports 35 hours, and the secondary job reports 10 hours, the secondary job will incur the 5 hours of overtime.

(C) Similarly, if the primary job reports 42 hours and the secondary job reports 5 hours, the primary job will incur 2 hours of overtime and the secondary job will incur 5 hours of overtime.



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B: JOB #	Rate	Primary/ Secondary	Reported Hours	REG Hours	OVT Hours
1	\$10.00	Primary	35.0	35.0	
2	\$15.00	Secondary	10.0	5.0	5.0

C: JOB #	Rate	Primary/ Secondary	Reported Hours	REG Hours	OVT Hours
1	\$10.00	Primary	42.0	40.0	2.0
2	\$15.00	Secondary	5.0		5.0

The overtime calculation method should be outlined in the employee Dual Appointment Agreement. The Home Institution will process payment for all reported hours across all employee jobs.

### 12. What earning code should be used for employees who are dual appointees?

DFR	Faculty, retirement eligible	Account 516200
DFN	Faculty, non-retirement eligible	Account 516250
DSR	Staff, retirement eligible	Account 526200
DSN	Staff, non-retirement eligible	Account 526250
DOT	Nonexempt Staff Overtime, non-pensionable	Account 522805

To determine if Dual Appointment earnings are retirement eligible, the Dual Appointment Coordinators should compare the employee's home institution job scope and compare it to the Dual Appointment job scope. Retirement eligibility needs to be evaluated on a case by case basis. The Dual Appointment Agreement will indicate if the requesting institution's position is considered retirement eligible as agreed upon by the Dual Appointment Coordinators.

### 13. How is an employee's Dual Appointment earnings determined to be retirement versus non-retirement eligible?

A team is working to develop scenarios that will be validated with ERS and TRS. Also, the Additional/Extra Compensation policy is being revisited to incorporate this information along with additional updates.



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### **14. Who pays what portion of salary, fringe benefits, FICA/FICA Med, Retirement and other employer costs?**

These details should be agreed upon before the dual appointee begins work. Costs should be paid in accordance with the listed amounts or percentages on the Dual Appointment Agreement under the compensation details portion.

### **15. Do all payments to the employee have to be paid through payroll?**

No. Although the Dual Appointment Agreement breaks out all of the expected Payment and Invoicing details, not all will be paid through payroll. This information was included on the Dual Appointment Agreement because of the need for account and funding details for budget along with estimated expenses for non-personal services expenses. Travel expenses and other reimbursements should be made by the Home Institution through Accounts Payable and the invoicing/reimbursement process will still be followed to receive payment from the Requesting Institution.

### **16. Is the Home Institution required to pay an employee within a specific time frame once the Dual Appointment work is complete?**

Yes, after receiving verification of work as expected duties are completed, the Home Institution should pay the employee per FLSA guidelines. Institutions are required to establish pay dates and pay the employee's wages earned in that pay period. An employee's pay shall not be delayed as a result of reimbursement of funds from the Requesting Institution since this is not an acceptable practice and can have negative impact on employee relations as well as the employee's financial well-being.

### **17. What if the employee has been engaged at a Requesting Institution to provide services for free, but the Requesting Institution has agreed to pay for travel expenses? Should the Dual Appointment process be followed?**

Yes. This applies to all full time and part time employees.

### **18. If the employee is to be paid \$250 or less, does he/she have to be a dual appointee? Can they be paid directly? If so, are there any withholdings?**

Regardless of the amount the employee is to be paid, he/she should have a Dual Appointment Agreement, be paid through the Home Institution, and follow all additional Dual Appointment policies and procedures. This is to ensure consistent application to all employees across the USG and ensure compliance with Federal and State laws.



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**19. If the combined hours for Dual Appointment entitles the employee to become benefits eligible, which institution should initiate the benefits update?**

If the combination of work results in benefits eligibility (either initially in the engagement or following the ACA measurement period), the institutions are required to offer benefits to the employee and share the associated costs, as applicable. The Home Institution HR practitioner is responsible for processing the benefits enrollment. The Requesting Institution will be responsible for payment for their proportional share or fly negotiated cost of applicable benefits and related pay.

The Home Institution is responsible for monitoring employee hours to determine an employee's benefits eligibility under the Affordable Care Act (ACA).

**20. Does Dual Appointment increase the employee's FTE? For faculty, how is that taken into account in contract amendments?**

For full-time faculty, institutions are encouraged to adjust the faculty member's workload to incorporate the Dual Appointment responsibilities. If it is determined that a workload adjustment cannot be made, the faculty member's contract should be amended to reflect a temporary change in compensation warranted by the additional responsibilities as documented in the Dual Appointment Agreement, if applicable.

**21. A. When a 9 or 10-month full benefits-eligible faculty employee (returning in August) teaches at another institution in the summer, is a Dual Appointment Agreement Form needed?**

Yes. When a 9 or 10-month faculty employee (returning in August) teaches at another institution in the summer, a Dual Appointment Agreement Form is needed to ensure overall workload and salary cap compliance, if applicable (Business Procedures Manual 5.3.4 Limitation of Summer Faculty Pay).

**B. How would they be paid?**

Compensation from the Requesting Institution should be paid by the Home Institution and be included on the employee's W-2. The involved institutions should utilize one common paymaster as defined for private employers in O.C.G.A. § 34-8-27.



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### **22. If there is a discrepancy in how to calculate contact hours for faculty, how should they be resolved?**

Institutions should reference the Conversion Chart specified in the Employee Categories section of the HRAP. Employees must track time for hours worked if the Conversion Chart does not reasonably reflect their time worked. For additional support, Dual Appointment Coordinators should be contacted.

### **23. Define if a University System of Georgia (USG) employee can also be an independent contractor/consultant for the USG.**

A USG employee may have simultaneous status as an employee and an independent contractor/consultant within the USG. However, this would be the exception and the consulting engagement has to meet common law rules for employment.

A USG independent contractor/consultant can be contracted by more than one institution, but would not be considered a dual appointee because he/she is not an "employee".

(For more information regarding the determination of status of Employee vs. Independent Contractor, see [http://www.usg.edu/business\\_procedures\\_manual/section5/C1251](http://www.usg.edu/business_procedures_manual/section5/C1251)).

The USG Human Resources Administrative Practice (HRAP) Manual Conflict of Interest policy may be found at [http://www.usg.edu/hr/manual/conflict\\_of\\_interest](http://www.usg.edu/hr/manual/conflict_of_interest).

### **24. Can the dual appointee's pay at the second (requesting) institution be reflected on IRS Form 1099?**

No. A person that has been deemed an employee at both institutions should have a Dual Appointment Agreement on file. Once the Dual Appointment Agreement has been executed, payment from the Requesting Institution for Dual Appointment services should flow through the normal payroll processes (including taxes, withholdings, etc.) at the Home Institution of the employee and be included on the employee's IRS Form W-2.

The pay at the requesting institution would be reflected on the IRS Form 1099 only if there was an exception and the person was determined a consultant for the secondary engagement.

## **SYSTEM IMPLICATIONS**

### **25. A. Does the employee need to be entered into the HCM system at each institution?**

Yes. Even though the employee will only be paid by the Home Institution, the Requesting Institution should also reflect the employee in their HCM system (and track hours as required



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for ACA reporting purposes). When entering the employee information, the Social Security Number issued by the Social Security Administration should be used by both institutions.

### **B. Should the second entry (Requesting Institution) be entered as non-paid affiliate type?**

Generally, yes. The Requesting Institution should enter the employee in their HCM system as a non-paid affiliate to allow access to any required systems (i.e., email accounts, local computer software, etc.) and to track hours for ACA purposes.

### **C. Does employee have to track hours at either/both institutions for ACA purposes?**

Yes. If the employee is not eligible for full USG benefits, all employee hours worked should be tracked in accordance with ACA guidelines. The Home Institution has primary responsibility for monitoring total hours to determine benefits eligibility.

### **D. Do University of Georgia, Georgia Tech, and Augusta University need to include a dual appointee in their employee database records (they are the requesting institution)?**

Yes. The recommended practice is to enter the employee into the system of record as a non-paid affiliate for tracking purposes.

## **26. How should institutions resolve any questions that arise regarding the USG Dual Appointment policies and procedures?**

The Dual Appointment Coordinator at each institution should be the initial point of contact for any questions that arise from the hiring manager, the Home Institution manager, the employee, or anyone else.

The Shared Services Center will assist the Dual Appointment Coordinators in resolving any procedure questions. A Dual Appointment Coordinator may contact the Shared Service Center via [usgdatahelp@ssc.usg.edu](mailto:usgdatahelp@ssc.usg.edu) or call the SSC Helpdesk at (478) 240-6500. The SSC will seek further clarification from the Board of Regents office if necessary.

## **27. Who decides who signs the Dual Appointment Agreement Form? Is there a "minimum" level required for approval?**

The Dual Appointment policy, workflow, and Form should serve as the minimum requirements



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for the process implemented at each institution. Additional sign-off and/or review can be required at the institution level.

## HR-RELATED

### **28. What does the Requesting Institution's Human Resources (HR) staff do if there are employee relations issues with the dual appointee?**

The Requesting Institution should follow their progressive discipline process. A member of the Home Institution's HR staff should also be advised and any disciplinary action coordinated with Requesting Institution.

### **29. If a dual appointee files a workers compensation claim, which institution is responsible for responding?**

The Home Institution is responsible for reporting and paying any workers compensation claims. Eligibility for claims will be determined by the Workers Compensation carrier guidelines. If the injury occurs on the campus of the Requesting Institution, the Requesting Institution will be responsible for notifying the Home Institution of the injury and providing enough information to report any workers compensation claim. In addition the Home Institution should always note the location of the injury and this should be reported to DOAS since injury statistics and locations can impact an institution's DOAS coverage.

### **30. Does a new background check on the dual appointee need to be done or is the previous one from home institution sufficient? If one is needed, who should pursue/pay (home or requesting institution)?**

The Requesting Institution should determine if a new background check is needed based on the job specifications and the length of time elapsed since the previous background check. Payment for the background check will be agreed upon as specified on the Dual Appointment Agreement.

### **31. What if a Dual Appointee qualifies for leave under the Family Medical Leave Act (FMLA)?**

The CHROs and Dual Appointment Coordinators at each institution should be contacted to work through required details. Due to the need for consistent application, please contact the Shared Services Center with information concerning the situation. Additional information about dual



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appointments on FMLA can be found at  
<http://www.dol.gov/whd/regs/compliance/whdfs28n.htm>.

## MISCELLANEOUS

### **32. Can a Non-Resident Alien be a dual appointee?**

Generally, they can. However, each NRA has personal parameters and their ability to be a dual appointee depends on the limitations on work requirements. Each request to engage in a dual appointment for an NRA needs to be individually assessed based on that employee's parameters.

### **33. If the dual appointee is not a US Citizen, which institution is responsible for determining eligibility to work? (i.e., H1B visa holders should only work for the employer that is sponsoring the visa).**

The Home Institution is responsible for determining and monitoring eligibility to work.

### **34. Is an employee who teaches an eCORE or eMajor course considered to be a dual appointee?**

An employee who teaches an eCore or eMajor course is not considered to be a dual appointee.

- Faculty teaching eCore or eMajor are not hired by eCore, eMajor, or the University of West Georgia (the administrative home for eCore or eMajor).
- Faculty teaching eCore or eMajor do so through the appointment at their home institution and should not be processed as dual appointees.
- The process for faculty approval to teach eCore or eMajor is administered by the University of West Georgia, but faculty must be approved to teach eCore and eMajor by the faculty member's home institution.

### **35. How should IPEDS and Faculty HR Data be updated for Dual Appointment employees?**

IPEDS should not be affected because the employee is only reported through the Home Institution.

For SSC institutions, Job Code 00USGJ should be used for the "secondary" job when someone is a dual appointee. The 00USGJ Job Code has BCat/Job Family 995X Non-compensated affiliates assigned.



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### **36. When should a Dual Appointment Agreement be amended?**

A Dual Appointment Agreement may be amended if there are any changes that do not affect compensation details or employee obligations. Those changes require a new agreement to be executed and routed through the approval workflow. Examples that would not require a new agreement include, but are not limited to, updating the timing of service (estimated beginning and end date), updating the funding source, or changing an employee's name.

### **37. The Dual Appointment Agreement is five pages long where the previous version was only one page. Is there a way to shorten the form or the process?**

The current form does not capture enough information needed for all areas affected by the Dual Appointment engagement. The hopes are that with the addition of the Dual Appointment Coordinator at each institution and an electronic format, this process will move much quicker.

### **38. How can a Dual Appointment Agreement Form be cancelled?**

If a Dual Appointment Agreement Form needs to be cancelled, the Requesting Institution "hiring manager" should notify their Dual Appointment Coordinator. The Dual Appointment Coordinator at the Requesting Institution will notify the Dual Appointment Coordinator at the Home Institution. Payment for any services already rendered should be completed as indicated on the Dual Appointment Agreement Form.

### **39. If a fully executed Dual Appointment agreement has been cancelled during the projected service term and a new agreement has been initiated (not approved) that will affect the compensation obligation to the employee, should the employee stop working and/or should compensation cease until the new Dual Appointment agreement is fully executed?**

Technically, yes, especially if there is a break between the cancellation date and the new engagement. If there is no break, you may reference FAQ #6 for executing late notice Dual Appointment Agreements.

### **40. How will I know if my employee is a dual appointee (if they don't disclose)?**

For all institutions, the new ACA Equifax tool should have all employees in the USG included. Certain individuals at each institution will have access to this information and each new hire should be checked against this database to see if they are currently employed within the USG or if they have been employed during the current measurement period for ACA purposes.



# Dual Appointment Frequently Asked Questions

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**41. When reviewing the Equifax ACA data, an employee at one institution is also employed by another institution (or your institution is informed that an employee is employed by another institution). There is no Dual Appointment Agreement, the employee is "Active" at both institutions and both are simultaneously paying him/her. What steps are required to resolve?**

Dual Appointment Coordinators will work together to:

1. Determine who will be Home Institution and update HCM system to reflect one common paymaster
2. Review benefits and accruals that have been awarded at each institution and combine as necessary
3. Complete Dual Appointment Agreement

**42. Does "institution" as used in the policy include the University System Office?**

Yes

**43. Even though borrowed employees are not covered by the new Dual Appointment guidelines and processes, can the same accounting details be utilized?**

Yes, the same Dual Appointment earnings codes and related account codes can be utilized to record borrowed employee expenses.



# Dual Appointment Frequently Asked Questions

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## EMPLOYEE – Dual Appointment Frequently Asked Questions (FAQs)

### FORMS AND PROCESSES

#### 1. Why do I have to complete a Dual Appointment Agreement Form?

In order to ensure agreement between all parties at each institution for services to be performed and payment arrangements, the Dual Appointment Agreement Form is required.

#### 2. Should I begin work before an agreement is executed? What if the Form process is not yet completed by the time I need to start work?

Prior approval is needed to begin work at another institution. As best practice, work should not begin until the Dual Appointment Agreement Form has been signed and approved by both institutions. Other authorization, including a Background Check may also be required before work can begin.

#### 3. What do I have to do?

The Hiring Manager at the requesting institution should contact the DAC at their institution to initiate the original request for the needed employee. The DAC at the requesting institution should approach the employee's home institution DAC.

An Employee's point-of-contact should be either the hiring manager or the Dual Appointment Coordinator.

#### 4. How do I know who the Dual Appointment Coordinator is at each institution?

When established, the institution Dual Appointment Coordinator list will be posted on the BOR website.

### PAYMENT

#### 5. When can I expect to be paid?

An employee with a Dual Appointment Agreement will be paid in the next regular pay cycle for his/her Home Institution after services have been rendered and verified or as indicated on the Dual Appointment Agreement Form (intermittent payments for longer term jobs). As a general practice, off-cycle checks should not be utilized to pay an employee who is a dual appointee.



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## 6. Why does one institution have to pay me?

In accordance with [State Law, O.C.G.A. 34-8-27 Common Paymaster](#), only one institution is allowed to be considered the Common Paymaster.

## 7. What should I do if I do not receive payment in a timely manner?

Contact the Dual Appointment Coordinator at your home institution for any questions regarding the Dual Appointment payment arrangements.

## 8. Can I be reimbursed for my travel expenses, i.e., mileage, hotel?

Reimbursement for any expenses will be as specified on the Dual Appointment Agreement Form. A separate check for reimbursement of expenses will be issued by which institution (would reimbursement to employee for travel expenses, etc., be reimbursed on a paycheck or would they get a separate "expense" check for that assuming it was part of the signed Form. Would that reimbursement come directly from requesting institution or would they pay it to home institution and they (home inst) would reimburse employee for those expenses that had been specified in the Dual Appointment Agreement?)

## 9. How do I escalate my concerns or problems with this process?

Refer all questions concerning your Dual Appointment arrangement to the Dual Appointment Coordinator at your home institution.

## 10. What if I already started the work and I didn't know I needed the Dual Appointment Agreement Form?

Contact the Dual Appointment Coordinator at your home institution to begin processing the Dual Appointment Agreement Form immediately.

## MISCELLANEOUS

## 11. When do I become benefits eligible?

Benefits eligibility is based on many factors. The Human Resources Manager at your home institution monitors employees for benefits eligibility. Talk to your Human Resources Manager if you have any questions concerning benefits eligibility. You may also refer to the [Human Resources Administrative Practice](#) for employee categories and benefit eligibility definitions.



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### **12. Can I be an employee and an independent contractor with the USG?**

A USG employee cannot have simultaneous status as an employee and an independent contractor/consultant within the USG. A USG independent contractor/consultant can be contracted by more than one institution, but would not be considered a dual appointee because he is not an "employee". (For more information regarding the determination of status of Employee vs. Independent Contractor, see [http://www.usg.edu/business\\_procedures\\_manual/section5/C1251](http://www.usg.edu/business_procedures_manual/section5/C1251)).

### **13. What if I am a dual appointee and qualify for leave under the Family Medical Leave Act?**

Contact the CHRO and Dual Appointment Coordinator at your Home Institution to work through required details.

### **14. What if I am a dual appointee and am involved in an incident that qualifies for Workers Compensation?**

Contact the CHRO and Dual Appointment Coordinator at your Home Institution to work through required details.

#### **Need Assistance**

If you need assistance, please contact our Shared Services Center (SSC) Customer Support team. Our normal business hours are Monday through Friday 8:00 A.M. – 5:00 P.M. except holidays. You can call us at (478) 240-6500 or email us at [usgdatahelp@ssc.usg.edu](mailto:usgdatahelp@ssc.usg.edu).