

**NOTICE OF REGULATORY ACTION**

May 16, 2008

**REGULATION TITLE:**

Additional State Compensation

**REGULATION NO.:**

FGCU-PR5.013

**SUMMARY:**

Approve repeal of the regulation, Additional State Compensation.

**FULL TEXT:**

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

**LAW IMPLEMENTED:**

Not Applicable.

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Director, Human Resources

**UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:**

Vice President of Administrative Services and Finance

**PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:**

Diane St. John, Administrative Assistant, [dstjohn@fgcu.edu](mailto:dstjohn@fgcu.edu); (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

**ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 2, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.**

**THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MAY 16, 2008**

~~6C10-5.013 Additional State Compensation~~

~~(1) Definition: For the purposes of this rule "Additional State Compensation" is defined as compensation which a state employee earns from any form of employment other than the employee's normal duties or assignment with the University, another state agency, or with another university in the State University System. For USPS employees, this means employment in the same university in one full-time equivalent established position where the total scheduled employment regularly exceeds forty hours during a work week; or in two or more positions, either full-time or part-time, where the combination of positions exceeds one full-time equivalent established position and the total scheduled employment regularly exceeds forty hours during a work week. For faculty and A&P employees, this means University employment in one or more established position(s) where the total employment exceeds what is normally considered or contracted as full-time employment by the appropriate authority for the pay plan under which the position is established.~~

~~(2) The provisions of this rule do not apply to activities performed during an interval in the year in which the employee is not employed with Florida Gulf Coast University.~~

~~(3) This rule shall not be used for the purpose of avoiding the payment of overtime as required by the Fair Labor Standards Act (FLSA).~~

~~(4) The circumstances under which additional state compensation may be approved by the President or President's designee are as follows:~~

~~(a) Requests for Additional State Compensation of an employee for employment in excess of one full-time equivalent established position (1.0 FTE) will be approved only under extraordinary circumstances involving situations such as:~~

~~1. The immediate or untimely vacating of a position assigned duties that are essential to the University's operations.~~

~~2. Special skills possessed by an employee that are needed to perform a critical assignment.~~

~~3. The inability to fill a critical position where recruitment efforts have been unsuccessful.~~

~~(b) Employment is in excess of one full-time equivalent established position for employees engaged in continuing education or extension activities may be compensated from funds generated from such activities. Such compensation may be in addition to that provided within the total approved salary rate for the University and is not considered to be additional state compensation for purposes of this rule.~~

~~(5) Requests to compensate a University employee simultaneously from any appropriation other than appropriations for salaries will be approved only under the following extraordinary circumstances:~~

~~(a) performing additional (secondary) duties such as conducting workshops not associated with the employee's regularly assigned duties;~~

~~(b) Teaching continuing education courses; or~~

~~(c) Serving as an adjunct instructor.~~

~~(6) Requests for additional state compensation of a University employee simultaneously employed by more than one university in the State University System may be approved when the secondary employer has a need for that employee's skills and none of its employees is available to perform the function at the necessary level of expertise. The University shall require written certification from the secondary employing university that the additional duties will not interfere with or constitute a conflict of interest with the employee's regularly assigned duties at the University, and will not involve the use of state space, personnel, equipment, or supplies furnished by the University, unless arrangements are made by the secondary university to adequately compensate Florida Gulf Coast University for use of same.~~

~~(7) In a situation where the performance of additional duties by a state employee will result in liability for payment of overtime under the FLSA, the request must justify the basis for incurring overtime.~~

~~(8) The appropriate University administrator and the employee must agree in advance in writing to the hours and rate of pay for the secondary job or job with the extended hours. The procedures for approval shall be in accordance with approval for outside employment contained in Rule 6C10-5.012, F.A.C.~~

~~Specific Authority 240.227 (1) FS. Law Implemented 240.283, FS~~

~~History -- New 4-17-97.~~