



QUALITY ASSURANCE REVIEW FINDINGS REPORT NO.: 2024 QAR-06

Dual Employment and Dual Compensation

The Department of Financial Services (DFS) Post Audit Subsection has completed a limited scope review of Dual Employment records to ensure that agencies adhere to Division of Human Resource Management and Fair Labor Standards Act (FLSA) guidelines, and that all requirements have been met.

Purpose

To determine whether state agencies have employed someone who does not meet the requirements in accordance with Florida Administrative Code (F.A.C.) 60L-32.003, Florida Statute (F.S.) 216.262(1)(d) and 216.262(1)(e), set forth by the Federal Department of Labor's FLSA.

Scope

A review of all employees as of March 19th, 2024, who are assigned to two or more positions in People First.

Background

According to the above referenced F.A.C. 60L-32.003, F.S. 216.262(1)(d), and F.S. 216.262(1)(e) and The Fair Labor Standards Act (FLSA), certain criteria must be met prior to allowing dual employment. Each of the following criteria provided by the DMS Division of Human Resource Management must be used by the agency to confirm eligibility for dual employment:

- A completed DMS/HRM/DUAL Form
- A need must exist, the position does not violate legislative intent, and the compensation is commensurate with assigned duties.

For more information, the most recent DMS program guidelines for this process can be found here: [Dual Employment and Dual Compensation Guidelines and Procedures \[Rev. 2014\]](#).

Methodology

When planning and performing the review, DFS Post Audit Subsection reviewed the data pulled from the Employee Roster Report within the People First HR Reports, for current employees as of March 19th, 2024. The DMS/HRM/DUAL form was requested for a subset of employees that held two or more positions at State Agencies. Dual employment was verified in People First to ensure these were not position changes. Employees who were in the process of a position change and not truly dual employed were excluded from the form request.

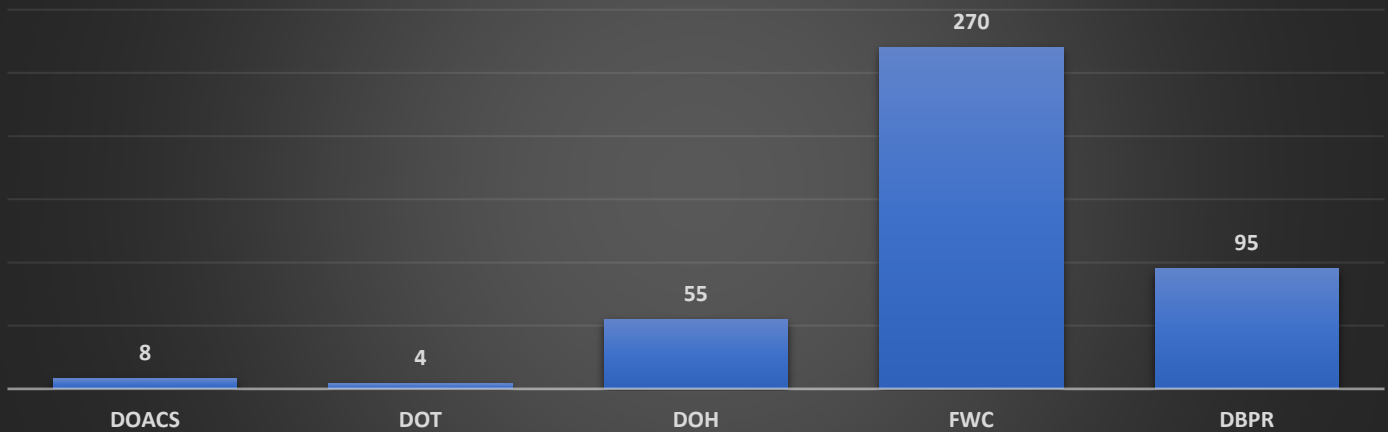
Conclusions

As of this report there were 432 employees that held two or more positions at the five State Agencies we reviewed. We requested the agencies provide copies of the DMS/HRM/DUAL forms, supporting documentation, and answers to several questions regarding the dual employment of personnel. Additionally, timestamped tracking records were requested for employees, and none were provided. After review of the provided DMS/HRM/DUAL forms, all provided forms contained findings; the most common findings were as follows:

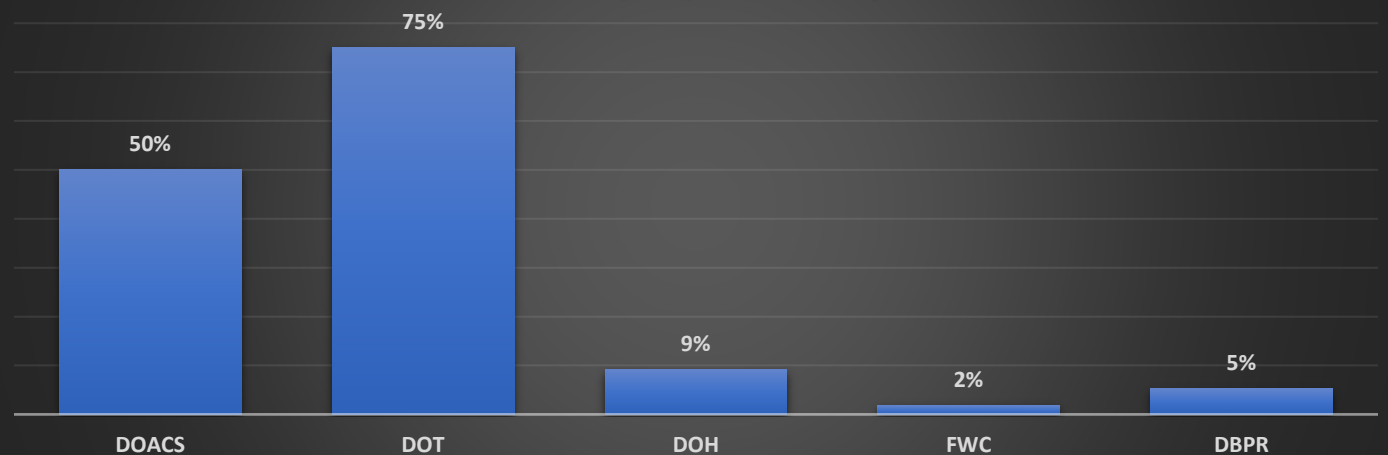
- **Forms no longer valid** – Forms should be completed every FY, or when a position changes, or is no longer active.
- **Forms not filled out at initial time of hire for the Secondary Position** – forms should be filled out and approved 30 days prior to the start date of the secondary position per Policy.
- **Forms were not completed in their entirety or information was not entered correctly.**
- **Overlap of hours and duties could not be verified**, overlap is prohibited per DMS HRM Policy.

Agencies were asked if the *Dual Employment & Dual Compensation Guidelines and Procedures for State Personnel System Agencies* (DMS Procedures) are followed. All responded “yes”, however given the number of errors and non-compliance with every form we received, it is clear the DMS Procedures were not followed.

of Employees Currently Dual Employed



% of Dual Employees Sampled



Department of Agriculture & Consumer Services – DOACS (OLO 4200)

AGENCY	PF ID	EMPLOYEE TYPE	CLASS TITLE
4200	XXXXX081	OPS	OPS ENVIRONMENTAL SPECIALIST III
4200	XXXXX081	SALARIED	ENVIRONMENTAL CONSULTANT
4200	XXXXX132	OPS	OPS GEOGRAPHIC INFORMATION SYSTEM TECH
5500	XXXXX132	SALARIED	SURVEY AND MAPPING SPECIALIST
4200	XXXXX092	OPS	OPS BOARD MEMBER
5500	XXXXX092	SALARIED	PROFESSIONAL LAND SURVEYOR MGR - SES
4200	XXXXX320	SALARIED	REGULATORY CONSULTANT
6400	XXXXX320	OPS	OPS GOVERNMENT ANALYST II

There were 8 employees who were dual employed at the time of this report. Four employees were chosen at random to review the Dual Employment forms and any supporting documentation. The findings for the above employees are as follows:

PF#XXXXX081:

- Per the agency – Not dual employed.
 - At time of report, Employee showed two active positions – agency was in the process of removing Employee from POS# XXXX2312.
 - Par was submitted on 3/27/24 to term Employee from secondary position (POS# XXXX2312) effective 2/22/24.
 - The last Timesheet entered for POS# XXXX2312 was 2/22/24 (term date).

PF#XXXXX132:

- Secondary employer was not maintaining forms as is required by the dual employment policy. - *Each state agency will be responsible for maintaining copies of all Dual Employment and Dual Compensation records in accordance with the Department of State’s General Records Schedule GS1-SL for State and Local Government Agencies.*
- Position should be listed as excluded, not Included based on section #13(d) which states the primary position is excluded.
- Job duties and justification for position were not provided.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.

PF#XXXXX092:

- Official DMS/HRM/DUAL Form was updated in January 2014 by DMS, FDACS altered the form in several locations including the legally binding agreements in September 2014.
- The form was completed and signed on 4/12/24 so there was not one previously kept on file, per policy.
- The form for the secondary position was not completed at time of hire:
 - POS# XXXX2863 – start date of 1/3/19 (effective date was listed as 10/2022 – per the employee this should have been the official term date).
- The form should have been reviewed and a new form should have been completed prior to position change:
 - POS #XXXX2867 – listed as Secondary Position on form, shows an effective date of 5/5/23.
 - POS# XXXX2863 – dates used to complete form under the Secondary position information – termed 4/26/23, PAR submitted 5/5/23.

- The form lists an Appointment ID instead of the People First ID.
- Secondary employer was not maintaining forms as is required by the dual employment policy. - *Each state agency will be responsible for maintaining copies of all Dual Employment and Dual Compensation records in accordance with the Department of State’s General Records Schedule GS1-SL for State and Local Government Agencies.*
- No work schedules provided – appearance of impropriety; both primary and secondary positions take place during normal working days.
 - Back up documentation shows the primary is 5 days 8 hours (M-F, 8-5), however timesheet shows differently.
- The secondary position is not voluntary – this is a paid position.

“Voluntary; in a different capacity from the primary employment; and worked on an occasional or sporadic nature. NOTE: All provisions must be met to exclude the employee from overtime requirements.”

 - Employee states no timesheets are submitted for secondary employment, however, both PF and PYRL show submitted timesheets and payments, respectively.
 - HR personnel creates, submits, and approves timesheets on behalf of the employee.
 - Timesheets do not coincide with the dates of the meetings provided by the employee.
- FTE section was filled out incorrectly – no indication stating 1.0 or less.
- Job duties and Justification were not provided.
- Form not filled out in its entirety.
 - The secondary employment section is essentially blank.
 - OLO codes not entered.
 - Box #12 – was not filled out.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.

PF#XXXXX320:

- Shows 2 positions in PF.
 - If this employee is no longer needed in the secondary position, DOH would need to remove the employee from the position.
 - Has not logged time in the secondary position since at least 10/21/22.

Agency Response:

Please see my added response to the right AND to the bottom of this email highlighted in yellow.

PF ID	Added Response
XXXXX081	Never had a dual employment. Left OPS position on 2/22/24 for the CS position.
XXXXX132	Full time with DOT (where the dual employment form is maintained). We have reached out to DOT, and they provided a copy of the form (please see attached). Works 2 hours in OPS position with us (Survey and Mapping Specialist-Board Member).
XXXXX092	OPS Board Member for us, works full time with DOT. Personnel is not notified for new board members, reaching out to the Division where the dual employment form is maintained.
XXXXX320	Works full time for us. DOH has not separated her from OPS position. Timesheet shows no hours worked for the last year.

- *Does a demonstrated need exist to help justify the Dual Employment, such as:*

- a. *The immediate and untimely vacating of a position assigned duties essential to the agency's operation; or*
 - b. ***Special skills needed to perform a critical assignment; or***
 - c. *Recruitment was unsuccessful in filling a critical position.*
- ***Can you advise if compensation for dual employment is commensurate with the assigned duties? The board meets approximately four times a year to review and approve or deny applications and to take up disciplinary cases. The board also monitors licensees who are placed on probation as the result of disciplinary action to ensure adherence to the requirements set forth in the Final Orders and settlement agreements.***

Department of Transportation – DOT (OLO 5500)

AGENCY	PF ID	EMPLOYEE TYPE	CLASS TITLE
5500	XXXXX740	SALARIED	OPERATIONS & MGMT CONSULTANT MGR - SES
6400	XXXXX740	OPS	OPS GOVERNMENT OPERATIONS CONSULTANT I
4200	XXXXX132	OPS	OPS GEOGRAPHIC INFORMATION SYSTEM TECH
5500	XXXXX132	SALARIED	SURVEY AND MAPPING SPECIALIST
4200	XXXXX092	OPS	OPS BOARD MEMBER
5500	XXXXX092	SALARIED	PROFESSIONAL LAND SURVEYOR MGR - SES

There were 3 employees who were dual employed at the time of this report. All three employees were chosen to review the Dual Employment forms and any supporting documentation. The findings for the above employees are as follows:

PF#XXXXX092:

- Same forms provided by DOACS, did not provide any additional forms.
- Supporting documentation from employee states that this is a non-paid/salaried position – however, the payroll system shows payments were made.
- The secondary position is not voluntary – this is a paid position.
“Voluntary; in a different capacity from the primary employment; and worked on an occasional or sporadic nature. NOTE: All provisions must be met to exclude the employee from overtime requirements.”
- The supporting documentation for the employee states the Board Member position requires overnight travel.
 - Based on timesheets, regular hours were claimed for both positions on the same dates.
 - Employee states they are only receiving Per Diem and Mileage, central FLAIR shows other expenses were claimed.
 - Clarification was requested regarding the attendance of meetings: the response (see agency’s additional response) gives the impression of impropriety.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.

PF#XXXXX132:

- Only the primary employer maintained the form. Policy states *“Each state agency will be responsible for maintaining copies of all Dual Employment and Dual Compensation records in accordance with the Department of State’s General Records Schedule GS1-SL for State and Local Government Agencies.”*
 - Completed Form should be distributed to secondary employer, regardless of approval status.

- Provided an unofficial list of the position’s duties, but the official position duties and justification were never provided, and the form was approved.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.

PF#XXXXX740:

- Form completed on 11/17/20 – no longer valid. Policy states “Requests for dual employment or dual compensation shall be reviewed and approved by both the primary and secondary state agencies at the beginning of each fiscal year to ensure adequate funds are available to continue the dual employment.”
 - POS# XXXX0163 – effective date 8/24/20.
- Positions and Forms should have been reviewed and new forms should have been completed at the beginning of the FY:
 - POS# XXXX2268 listed for secondary position is incorrect.
 - POS# XXXX2268 – last reported time 12/15/23.
- Appt ID for a position last held on 8/22/20 was listed in the PF ID.
- Work schedules for Secondary Position are listed as “Varies” M-SAT.
- No timestamped tracking records provided, no way to determine if duties overlap.
 - Claimed 8 hours AL at Primary Position and claimed 3 regular hours at Secondary Position on the same day, unsure if overlap occurred – gives the appearance of impropriety.
 - Only logged 2 days (7 hours total) in secondary position from 7/1/23 – 4/30/24.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.

Agency Response:

- *Does a demonstrated need exist to help justify Dual Employment, such as: **Yes***
- *Can you advise if compensation for dual employment is commensurate with the assigned duties? **Yes***

Additional Agency Response: *The supporting documentation for [PF#XXXXX092] states the Board Member position requires travel. Based on timesheets, regular hours were claimed for both positions on the same dates. Could you advise how these meetings were attended and, if in person, the times the meetings were held?*

[PF#XXXXX092] response: The time taken for these meetings which included my travel to and from was all on my own time. The time involvement for this is quarterly for meetings, usually involving travel. I get compensated for travel per diem and also reimbursed for hotel expenses by DOACS, but I am not paid salary and do not submit timesheets. I also travel by my own personal vehicle at my own cost. My participation was on the Probable Cause Panel, a three-member panel meeting with DOACS staff & attorneys to review cases having potential for disciplinary action. All meetings were in person except December 7:

- *Tuesday afternoon, July 25 Probable Cause Panel (non-public meeting) – approximately 1.5 hours*
- *Monday afternoon, October 2 Probable Cause Panel (non-public meeting) – approximately 1.5 hours*
- *Thursday morning December 7 Probable Cause Panel (non-public meeting) – approximately 1 hour. **This was a virtual meeting.***
- *Monday afternoon, February 5 Probable Cause Panel (non-public meeting) – approximately 1.5 hours*
- *Monday afternoon, May 6 Probable Cause Panel (non-public meeting) – approximately 2 hours*

Can you provide the timestamped tracking records (clock-in, clock-out) of the actual dates and times worked for each position for the month of December 2023 for [PF#XXXXX740]? If the forms cannot be provided, could

you please advise how the actual times worked are tracked and verified by the supervisor when approving timesheets? Attached are Timesheet Summary Reports for the month of December 2023 showing his hours worked and approved for his DOT and DOH position.

Department of Health – DOH (OLO 6400)

AGENCY	PF ID	EMPLOYEE TYPE	CLASS TITLE
5500	XXXXX740	SALARIED	OPERATIONS & MGMT CONSULTANT MGR - SES
6400	XXXXX740	OPS	OPS GOVERNMENT OPERATIONS CONSULTANT I
6400	XXXXX540	OPS	OPS CUSTODIAL WORKER
6400	XXXXX540	SALARIED	HEALTH EDUCATOR
6400	XXXXX451	SALARIED	ADVANCED PRACTICE REGISTERED NURSE
6400	XXXXX451	OPS	OPS ADVANCED PRACTICE REGISTERED NURSE
6400	XXXXX412	OPS	OPS MEDICAL EXECUTIVE DIRECTOR
6400	XXXXX412	OPS	OPS SENIOR PHYSICIAN
4200	XXXXX320	SALARIED	REGULATORY CONSULTANT
6400	XXXXX320	OPS	OPS GOVERNMENT ANALYST II

There were 55 employees who were dual employed at the time of this report. Five employees were chosen at random to review the Dual Employment forms and any supporting documentation. ***After several attempts requesting DMS/HRM/DUAL forms for the above employees and answers to the questions asked of all audited agencies, no response was received.***

Fish & Wildlife Conservation Commission – FWC (OLO 7700)

AGENCY	PF ID	EMPLOYEE TYPE	CLASS TITLE
7700	XXXXX091	OPS	OPS-Laboratory Helper
7700	XXXXX091	OPS	OPS-Fish & Wildlife Tech
7700	XXXXX955	OPS	OPS GOVERNMENT OPERATIONS CONSULTANT III
7700	XXXXX955	OPS	OPS GOVERNMENT OPERATIONS CONSULTANT III
7700	XXXXX955	OPS	OPS GOVERNMENT OPERATIONS CONSULTANT III
7700	XXXXX955	OPS	GOVERNMENT OPERS CONSULTANT III
7700	XXXXX098	OPS	OPS LE LIEUTENANT
7700	XXXXX098	SALARIED	LAW ENFORCEMENT LIEUTENANT
7700	XXXXX098	OPS	OPS LAW ENFORCEMENT LIEUTENANT
7700	XXXXX603	SALARIED	RESEARCH ASSOCIATE-FWC
7700	XXXXX603	OPS	OPS F&W BIOLOGICAL SCIENTIST II
7700	XXXXX128	OPS	OPS Biological Scientist I
7700	XXXXX128	OPS	OPS Biological Scientist I
7700	XXXXX128	OPS	OPS Biological Scientist I

There were 270 employees who were dual employed at the time of this report. Five employees were chosen at random to review the Dual Employment forms and any supporting documentation. The findings for the above employees are as follows:

PF#XXXXX091:

- Primary POS# XXXX2473 start date of 10/8/20 (effective date was listed as 7/1/23).
- All positions Work schedule listed as “Varies.”
- FTE listed as 0.50 for each position.
 - Employee holds a 3rd position within the University system.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.
- No timestamped tracking records provided, no way to determine if duties overlap.

PF#XXXXX955:

- All Forms for all positions completed on 3/22/22 – no longer valid. Policy states *“Requests for dual employment or dual compensation shall be reviewed and approved by both the primary and secondary state agencies at the beginning of each fiscal year to ensure adequate funds are available to continue the dual employment.”*
- Forms for all secondary positions were not completed at time of hire:
 - POS# XXXX9105 – start date of 5/22/20 (effective date was listed as 1/14/2022).
 - POS# XXXX2284 – start date of 1/14/22 (effective date was listed as 1/14/2019).
 - POS# XXXX9099 – start date of 2/20/22.
- Positions and Forms should have been reviewed and new forms should have been completed at the beginning of this FY:
 - POS# XXXX0716 – listed as Primary position, no time entered since 5/16/2022 – **per FWC will be vacated but the position will be left open.**
 - POS# XXXX9099 – no time entered since 6/16/2023 – **per FWC will be vacated but the position will be left open.**
- FTE of 0.25 listed for each of the four OPS positions.
- Work schedules all list M – F with time listed as “Varies.”
- Pay rates do not reflect current rates, positions listed as included, therefore, the OT pay calculations are also incorrect.
- No justification for positions attached to forms.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.
- No timestamped tracking records provided, no way to determine if duties overlap.

PF#XXXXX098:

- Forms completed for POS# XXXX1436 on 1/5/22 and POS# XXXX1843 on 9/2/22 – no longer valid.
- Positions and Forms should have been reviewed and new forms should have been completed at the beginning of this FY:
 - POS# XXXX1843 – last reported time 4/7/23.
- No justification for positions attached to forms.
- No job duties attached to forms.
- Pay rates do not reflect current rates.
- Work schedules are all listed as “Varies.”
- Form was altered (correction fluid aka white out) under 2nd position for the period of employment.
- FTE listed as **0.05** for both secondary positions.
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.

- No timestamped tracking records provided, no way of determining if duties overlap.
 - Used combination of annual leave and worked at both reporting positions on same day – for a total of 11 regular hours and 2.5 annual leave hours.
 - Used 8 hours annual leave for POS# XXXX0119 and worked 4.5 hours for POS# XXXX1436 on same day.
- Forms not filled out in its entirety.
 - Contact information not provided for Secondary POS# XXXX1843.

PF#XXXXX603:

- Forms completed on 8/6/2018 – no longer valid.
 - Secondary position end date listed as 1/3/2018.
- Appointment ID was listed as the People First ID Number.
- Positions and Forms should have been reviewed and new forms should have been completed at the beginning of this FY:
 - POS# XXXX0820 – last reported time 3/7/24.
 - POS# XXXX2853 – employee has never occupied this position (listed as Primary Position).
- Does not appear the Agency Head or Designee signed and approved the forms in accordance with the Dual Employment Procedures and Section 216.262(1)(e) F.S.
- Justification provided only speaks to 1 FY, which appears to be the 18-19 FY.
 - Employee still holds both positions: POS# XXXX0820 & POS# XXXX0478.
- The work schedule listed for 2nd position deviates from actual times claimed.
- Pay rates do not reflect current rates.
- No timestamped tracking records provided, no way to determine if duties overlap.
- Forms not completed in their entirety.
 - Signatures do not appear to be complete or are in the incorrect spots.
 - Approved/Disapproved not selected.

PF#XXXXX128:

- No dual employment forms exist – regardless of funding sources, forms are required for Dual employment.
- No timestamped tracking records provided, no way to determine if duties overlap.

Agency Response: *Attached are the Dual Employment Forms for:*

- **PF# XXXXX098:** *Has two different OPS positions as [employee] is assigned to two hire-back/enhanced patrol details.*
 - *POS# XXXX1436 – APPT# XX24523 – Serves as the lead for the MacDill Airforce Base enhanced patrol detail. The hourly rate is contracted at \$45.00 for serving as the reporting Lieutenant.*
 - *POS# XXXX1843 – APPT# XX65479 – contracted rate of \$42.00 as a patrol lieutenant for the Southwest Florida Water Management District enhanced patrol detail. (It doesn't look like [employee] has worked this one in a while so I will confirm with the lead for this detail.*
- **PF# XXXXX603:** *Posses specialized skills and abilities that are necessary to perform critical, time-sensitive, assignments in our lab.*
 - *The compensation is commensurate with assigned duties.*
- **PF# XXXXX091:** *Part time OPS Fish & Wildlife Technician OPS POS# XXXX2473.*
 - *During our annual hunting season [the employee] is also a part time check station operator position laboratory helper POS# XXXX2442 (seasonal).*
 - *[Employee] is in the correct classification for both positions. The secondary position is seasonal and does not conflict with [the employee] regular duties in the primary position. [Employee] does*

have the special skills needed to fill both roles as both a OPS Fish & Wildlife Technician and a seasonal check station operator.

- With the discovery of CWD in our state there is a need for additional staff as check station operators.
- **PF# XXXXX955:** Works under the same supervisor and due to grant funding, hours must be split between multiple positions.

Employees that do not have Dual Employment Forms:

- **PF# XXXXX128:** Works under the same supervisor and due to grant funding sources, hours must be split between multiple positions.

Additional Responses:

- Does a demonstrated need exist to help justify Dual Employment, such as: Yes, please see the above responses for each employee.
- Can you advise if compensation for dual employment is commensurate with the assigned duties? Yes, please see the above responses for each employee.

Department of Business & Professional Regulation – DBPR (OLO 7900)

AGENCY	PF ID	EMPLOYEE TYPE	CLASS TITLE
7900	XXXXX121	OPS	OPS ATHLETIC COMM INSPECTOR
7900	XXXXX121	SALARIED	TAX AUDITOR IV
7900	XXXXX432	SALARIED	GOVERNMENT ANALYST II
7900	XXXXX432	OPS	OPS ATHLETIC COMM COORDINATOR
7900	XXXXX432	OPS	OPS ATHLETIC COMM INSPECTOR
7900	XXXXX837	OPS	OPS ATHLETIC COMM TIMEKEEPER
7900	XXXXX837	OPS	OPS ATHLETIC COMM COORDINATOR
7900	XXXXX837	OPS	OPS - REGULATORY SPECIALIST II
7900	XXXXX837	SALARIED	GOVERNMENT ANALYST II
7900	XXXXX648	OPS	OPS ATHLETIC COMM INSPECTOR
7900	XXXXX648	OPS	OPS ATHLETIC COMM COORDINATOR
7900	XXXXX648	SALARIED	BOARD EXECUTIVE DIRECTOR
7900	XXXXX789	SALARIED	SENIOR MANAGEMENT ANALYST II - SES
7900	XXXXX789	OPS	OPS REGULATORY SUPERVISOR/CONSULTANT

There were 95 employees who were dual employed at the time of this report. Five employees were chosen at random to review the Dual Employment forms and any supporting documentation. The findings for the above employees are as follows:

PF#XXXXX432:

- Form filled out on 5/2/24 and appears to have been filled out entirely by the employee – not HR.
- 2 Forms should have been filled out – both before 10/21/2023 (currently in a CS role, and hired for 2 OPS positions starting date 10/21/23)
 - POS# XXXX0844 – last reported time 11/5/23.
 - POS# XXXX0845 – has never reported time.
- No justification for positions

- No job duties provided.
- No People First ID listed on form.
- Wrong amount listed for rate of pay in 2nd position – should be \$125.
- Both Positions should be listed as excluded, not included.
 - The Secondary position is not voluntary – this is a paid position.
“Voluntary; in a different capacity from the primary employment; and worked on an occasional or sporadic nature. NOTE: All provisions must be met to exclude the employee from overtime requirements.”
- FTE is reported incorrectly – should be listed as 1.0 or less.
- Form not filled out in its entirety.
 - No FTE or County listed under Secondary Position
 - OLO left blank under both Positions.

PF#XXXXX648:

- Forms completed on 5/3/24, weeks after they were requested by BOSP Post Audit.
- 2 Forms should have been filled out – both before 9/9/22 (currently in a CS role, and hired for 2 OPS positions starting date 9/9/22)
 - POS# XXXX0069 – has never reported time.
 - Used Pay increase date of 7/1/23 instead of starting date.
 - POS# XXXX0836 – last reported time 6/25/23.
- No justification for positions.
- No job duties provided.
- Used 8 hours of AL from primary position, worked 1 hour of regular time from 2nd position on same day.
- The work schedule listed for 2nd position deviates from actual times claimed.
- Secondary Position should be listed as excluded, not included.
 - The secondary position is not voluntary – this is a paid position.
“Voluntary; in a different capacity from the primary employment; and worked on an occasional or sporadic nature. NOTE: All provisions must be met to exclude the employee from overtime requirements.”
- FTE is reported incorrectly – should be listed as 1.0 or less.
- Form not filled out in its entirety.
 - Rate of Pay not listed for Secondary position.
 - No FTE listed under Secondary Position.
 - OLO left blank under both Positions.

PF#XXXXX837:

- Forms completed on 5/3/24.
- 3 Forms should have been filled out – before the dates reflected below (currently in a CS role):
 - Lists 2 secondary positions on the form but 3 pay rates/scales.
 - POS# XXXX0906 – effective date 8/26/22; last reported time 3/28/23
 - POS# XXXX0839 – effective date 2/10/23
 - POS# XXXX0059 – effective date 2/10/23; has never reported time.
- FTE is reported incorrectly – should be listed as 1.0 or less.
- No justifications provided.
- No job duties provided.
- The Secondary position is not voluntary – this is a paid position.

“Voluntary; in a different capacity from the primary employment; and worked on an occasional or sporadic nature. NOTE: All provisions must be met to exclude the employee from overtime requirements.”

- Form not filled out in its entirety.
 - Position titles were not listed.
 - OLO left blank under both Positions.
 - Contact Phone number for Secondary Position incomplete.

PF#XXXXX121:

- The form was completed on 5/3/24.
- Form should have been completed before 1/14/22.
- No justifications provided for positions.
- No job duties provided for positions.
- Hours deviate from 8AM – 5PM times listed for the primary position.
- Secondary Positions should be listed as excluded, not included.
- The Primary position start date is incorrect – promotion took place on 10/27/23.
- Forms not filled out in its entirety.
 - No county was listed under both Positions.
 - OLO left blank under both Positions.
 - Box #12 was left blank.

PF#XXXXX789:

- Forms completed on 5/3/24.
- Form should have been completed before 12/9/22.
- Primary position start date is incorrect – promotion took place on 5/2/2008.
- No justifications provided for positions.
- No job duties provided for positions.
- Used 19 hours AL from primary position and worked 2 hours at secondary during on same day – unable to determine if overlap occurred.
- Secondary Position should be listed as excluded, not included.
- Time for secondary position states work schedule of 5:30AM – 7PM.
- Forms not filled out in its entirety.
 - Contact information for both Positions left blank.
 - OLO left blank under both Positions.
- No timestamped tracking records provided, no way to determine if duties overlap.

Agency Response:

- **Does a demonstrated need exist to help justify the Dual Employment, such as:**
 1. The immediate and untimely vacating of a position assigned duties essential to the agency's operation; or
 2. Special skills needed to perform a critical assignment; or
 3. Recruitment was unsuccessful in filling a critical position.

Yes, a need exists based on a mixture of the three demonstrations listed above.

- **Can you advise if compensation for dual employment is commensurate with the assigned duties?**
We are currently communicating with DMS to verify that all dual employed employees are being compensated commensurate with the assigned duties.

Additional Agency Response: We do not have records to provide because we do not have a system in place specifically dedicated to tracking individual clock-in and clock-out times for each position daily.

The dual employment position [PF# XXXXX789], as an OPS position is worked after the 8am-5pm standard day. [PF# XXXXX789] is working on a project that has identified backlogged applications due to the 68% vacancy rate our Bureau of Licensing has experienced. The duties assigned to the Bureau of Licensing is essential to the agency's operation. The timesheet hours logged by [PF# XXXXX789] are captured in People First under [PF# XXXXX789's] OPS position number. When [PF# XXXXX789] works, it's from 5pm – 630pm – 7pm, for 1.5 to 2 hours, Monday – Friday.

[PF# XXXXX789] assignment to this project is temporary and is expected to end once positions required to fulfill these duties are filled. [PF# XXXXX789] duties in [PF# XXXXX789's] OPS position is separate from [PF# XXXXX789's] FTE position.

I hope this satisfy your request. If additional information is required, please don't hesitate to reach out.

Recommendations

Most, if not all, of the findings or issues we found stem from agency personnel not being familiar with the Dual Employment and Dual Compensation Guidelines and Procedures provided by the Department of Management Services, or that Dual Employment and Dual Compensation Request Forms (*DMS/HRM/DUAL Rev. 2014*) were not carefully reviewed and completed with accuracy, or to completion. Agencies should review the Guidelines in totality prior to submission, to ensure compliance. Any employee occupying multiple positions, regardless of funding source, must have a Dual Employment form for each additional position.

During the completion of these *DMS/HRM/DUAL Rev. 2014* Request Forms, agencies should:

- Ensure the fields of the form are filled out by the appropriate personnel per the Instruction Guide.
- Ensure the correct position numbers and People First IDs are listed in the appropriate areas.
- Ensure work schedules reflect actual times and dates, not “Varies” – this could give the appearance of impropriety. Policy states that *“Dual employment within or outside state government shall not interfere with the ability and availability of the employee to perform his/her regular duties; shall not involve a conflict of interest; and shall not require the use of Department space, personnel, time, equipment, or supplies.”* (5-04 AP&P)
 - Agencies should ensure no overlap between positions occur and should maintain some form of documentation showing clock-in, clock-out timestamps to verify that the secondary hours worked do not interfere with primary employment.
- Remove or clear employees from positions in which hours are no longer claimed (are essentially vacant), to avoid the possibility of impropriety.
- Ensure Dual compensated employees who travel for both positions have safeguards in place to ensure no improprieties occur when claiming travel reimbursements.
 - STMS has a failsafe in place to ensure no overlap occurs when the travel reimbursements are submitted by the same agency. However, this failsafe does not function when travel is submitted through two or more agencies.
 - Preparers, Travelers, and Approvers also attest that all travel reimbursements submitted are true and accurate and should review the Trip Forms in their entirety.
- Ensure forms are completed accurately and in their entirety.

DMS/HRM/DUAL Forms must be submitted for approval at least 30 days prior to the beginning of the FY or in advance of the date the additional or dual employment is to commence (per 5-04 AP&P). At no point should verbiage on this form be altered or changed unless revised by the “owner” of the form, the Department of Management Services.

The DMS/HRM/DUAL Request Forms and supporting documentation must be maintained by both agencies in the employee’s personnel file, regardless of approval status.