

31.05.02 External Employment

Reviewed [April 29, 2020](#)

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Regulation Summary

This regulation governs all external employment of employees of The Texas A&M University System (system) other than faculty covered by System Regulation *31.05.01, Faculty Consulting and/or External Professional Employment*, and includes external employment by faculty members that is not directly related to their professional discipline.

Definitions

Click to view [Definitions](#).

Regulation

1. CRITERIA

- 1.1 External employment may be authorized provided it meets the requirements stated in System Policy *31.05, External Employment and Expert Witness*, and System Policy *07.01, Ethics*.
- 1.2 Use of system resources for external employment, including facilities, equipment, work time or personnel, is prohibited except as authorized by System Regulation *33.04.01, Use of System Resources for External Employment*.

2. ADMINISTRATIVE APPROVAL

- 2.1 Each member will determine the process for requesting and approving requests for external employment, including adopting a member external employment application and approval form. The member's external employment application and approval form must contain, at a minimum, the provisions listed in the system's *Model External Employment Application and Approval Form*.
- 2.2 In reviewing for approval a proposed external employment activity, the member will ensure that the external employment is not reasonably expected to create a conflict of interest or present a conflict of commitment; that is, interfere with the regular work of the employee.

- 2.3 If an employee proposes to engage in external employment with a foreign entity, the member will submit the proposed engagement for review to the member's export controls empowered official prior to submission to the chief executive officer (CEO) or designee. When the member submits the employee's proposed engagement to the member export controls empowered official, a copy of the employee's application and approval form and supporting documentation will also be provided to the system Research Security Office.
- 2.4 Each CEO may waive the requirement for approval for specific types of external employment if engaging in such employment is not likely to cause a conflict of interest with the ordinary duties and responsibilities of the employee. Approval may not be waived for employment by an employee in a business owned by the employee or a member of the employee's family that does business with the system.

3. USE OF SYSTEM PROPERTY AND PERSONNEL

- 3.1 External employment is subject to the provisions of System Policy *33.04, Use of System Resources*, and System Regulation *33.04.01, Use of System Resources for External Employment*, which permit the use of system resources for external employment if:
 - (a) the external employment has been approved in accordance with this regulation; and
 - (b) the use of system resources is incidental as defined in Regulation *33.04.01*.
- 3.2 Any cost to the system resulting from an employee's use of system resources for external employment must be paid in accordance with Regulation *33.04.01*. In such a case, the member CEO or designee is authorized to approve the employee's use of the resource(s) and the suitable payment arrangements.

4. RELEASE TIME

- 4.1 In very exceptional circumstances, specific external employment engagements may be approved on a release-time basis; i.e., paid time that the employee may spend away from the employee's normal work duties without using vacation or compensatory leave time. Release time may be granted on a case-by-case basis by the CEO or designee only when:
 - (a) the work is to be done with no remuneration from the external entity to the employee;
 - (b) there will be no direct expense to the system; and
 - (c) the work will specifically enhance the value of the employee to the system.
- 4.2 Release time for external employment must be documented using the member's external employment application and approval form.

Related Statutes, Policies, or Requirements

[System Policy 07.01, Ethics](#)

[System Policy 31.05, External Employment and Expert Witness](#)

[System Regulation 33.04.01, Use of System Resources for External Employment](#)

Appendix

[A&M System Model External Employment Application and Approval Form](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

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