

Overload Payments, Temporary Base Adjustments, and Summer Appointments For Faculty, Academic Staff and Limited Appointees

[Authority: [UW System Unclassified Personnel Guideline #4](#) (11/29/2004)
[UW System Academic Planning Statement-4](#) (2/1//2000)
[Wisconsin Statutes Section 16.417 \(2\) \(a\)](#)
[UW System Financial and Administrative Policy F18](#) (4/29/2003)
[UW System Financial and Administrative Policy F29](#) (12/1/2004)
[Office of Management and Budget, Circular A-21](#) (05/10/2004)]

1. General policy.

The salary received by full-time faculty, academic staff and limited appointees is considered to be full compensation for university activity during the period of appointment. Professionals with unclassified appointments (generally exempt from the provisions of the Fair Labor Standards Act (FLSA)) are expected to expend the total effort necessary to complete their assignments without additional compensation. Thus, such employees may not receive compensation for an overload activity from any funds administered within the University System, regardless of source, except through procedures and within standards provided in this policy.

There are instances in which asking an employee to do more than his/her appointment requires is the only viable alternative and compensation is appropriate. There may also be other situations in which the individual is asked to assume on a temporary basis different duties and responsibilities within the full time appointment period such that the base salary for performing those functions needs to be examined. The purpose of this policy is to define the circumstances in which such payments may be provided, and to describe the associated statutory limitations on such payments.

In general, options such as adjustments in the employee's other duties in order to release time to meet new responsibilities; a temporary base adjustment; or a purchase-of-load arrangement in which funds are transferred into an employee's department or unit as a purchase of institutional time from the department or unit should be considered before overload payments are granted.

2. Overload Payments: General Policy

Overload payments may be made where:

- a. With the consent of the employee, substantial additional work requirements are added to the duties of a full-time employee, in effect creating a workload exceeding 100% of the employee's time, and the need for the performance of the additional work is unusual, short-term or nonrecurring in nature;¹ or

¹ Examples include a faculty member who teaches a mini- or inter-session course scheduled during the academic year that results in a teaching load that exceeds the institution's regular expected teaching load for the academic year; or a staff member who assumes some of the responsibilities of a vacant position during recruitment, in addition to his/her full-time assignment.

- b. A full-time employee of one UW System institution accepts an institution-approved part-time appointment to perform services at another UW System institution, in addition to his/her full-time position.²

3. Overload Payments: General Payment Limitations

- a. Approvals for overload appointments must be obtained from the Dean/Director's office and the Provost *prior* to the effective date for overload service. The attached Overload Approval Request form must be used for this purpose. The only exception will be for the most extraordinary circumstances (such as sudden illness, death, or other circumstances that could not have been anticipated).
- b. Overload payments are subject to the limitation of [s. 16.417\(2\)\(a\), Wis. Stats.](#), which provides:
No individual other than an elective state official who is employed or retained in a full-time position or capacity with an agency or authority may hold any other position or be retained in any other capacity with an agency or authority from which the individual receives, directly or indirectly, more than \$12,000 from the agency or authority as compensation for the individual's services during the same year.
- c. This limit is calculated on a calendar year basis. In determining whether the \$12,000 limit has been met, the controlling factor is the period the wage is earned (i.e., when the work is performed) and not when the wage is paid.
- d. Each UW institution is considered a "separate" State agency for purposes of the \$12,000 maximum.
- e. Amounts earned by an employee in excess of the limitation of [s. 16.417\(2\)\(a\), Wis. Stats.](#), are subject to forfeiture.
- f. Federal cost principles do not permit charging more than 100% of an individual's base salary to federal awards and/or nonfederal funds that are used as cost sharing on a federal award. The only exception to this restriction is where the arrangement has been specifically provided for in the award or approved in writing by the sponsoring agency.
- g. Summer compensation for academic year employees for teaching, research and/or any other University service is not normally included in the \$12,000 annual cap. (see also the section on Summer Appointments)
- h. Temporary base salary adjustments are not considered to be overload payments as provided under section (8) of this policy.

4. Special Requirements and Limitations on Overload Payments in Specific Situations

- a. *Mini-sessions during the academic year.* Employees may receive overload payments for mini-sessions (such as UWinterIM) scheduled during the academic year when the addition of a mini-session or inter-session results in a teaching load that exceeds the employee's regular expected teaching load for fall and spring semesters.

² Examples include a full-time lecturer who accepts an appointment to teach a weekend course at another institution during the appointment period; or a staff member who continues to work full-time at his/her home institution while filling a position at another institution during recruitment.

- b. *Summer session and post-commencement (-term) mini-sessions.* Budgets for mini-sessions conducted outside of the period of the nine-month academic contract period shall be included in the part of the annualized budget allocated to summer session activities of the institution. Compensation received from the University in the summer session should not in aggregate exceed two-ninths of the academic year salary of the person appointed unless an explicit exception is granted by the Chancellor or designee (see Summer Appointments below).
 - c. *Inter-institutional instructional consulting or technical service on an overload basis.* Sharing of expertise among various UW System units is considered part of what is expected of employees as part of their full-time employment. However, where the need for this inter-institutional service is in addition to a full-time appointment at the "home" institution and is short term in nature, compensation on an overload basis may be appropriate.
 - d. *Off-campus credit instruction.* Off-campus credit courses should, when taught by full-time faculty members during their appointment period, be considered in the institution's definition of full-time teaching load. However, it may be necessary in order to maintain flexibility in the use of instructional funds and in adapting off-campus offerings to rapidly changing needs to staff some part of the off-campus credit offerings through use of overload payment and ad hoc employment. The UW System sets as a standard that no more than one-third of the staffing of off-campus credit instruction by any System institution be provided through overload or ad hoc arrangements and that such staffing be recommended by the relevant academic department or its functional equivalent and approved by the Chancellor (or designee). The level of use of overload payment and ad hoc arrangements for off-campus credit instruction shall be monitored by the Dean of School of Continuing Education. For the purposes of this section, any campus credit offerings scheduled and taught on campus through a campus extension division shall be considered within the same policy applying to off-campus offerings.
 - e. *Non-credit continuing education and public service programs.* The University of Wisconsin System commits itself to respond to the continuing education and public service needs of Wisconsin residents. To the extent that these needs can be anticipated for any regular budget period, budget arrangements should be developed to structure such assignments as part of the regular load of full-time faculty members. If these assignments have not been anticipated, or cannot be accommodated in the regular load, overload payments may be authorized according to the policy and limits established in accord with this policy document.
5. Monitoring of Overload Payments

The Chancellor's designee, Provost and Vice Chancellor, shall be responsible for monitoring overload payments and shall provide the UWS Office of Academic Affairs, upon request, a list of persons receiving overload payments.
 6. Calculation of Overload Payments

Overload payments must be reasonable in terms of the original base salary and the time spent, effort involved, and level of skills required for the additional assignment. Calculation of overload payments and charge backs shall be made pursuant to the methodology set forth in [Salary and Fringe Benefits Calculations for Unclassified Staff \(F29\)](#) and [Inter-Institutional Financial Transactions \(F18\)](#).

7. Summer Appointments

- a. Summer appointments for 2/9 or less of the academic year compensation do not require prior approval.
- b. If the combined appointment for teaching, research, and service during any period in summer exceeds 100%, the excess appointment for that period shall be considered as overload but the overload payment earned in summer does not count towards the annual cap.
- c. Summer Appointments in Excess of 2/9 of Academic Year

[UW System policies](#) state that compensation received in the summer period may not, in aggregate, exceed 2/9 of the academic year salary of the person appointed unless an explicit exception is granted by the Chancellor or designee, regardless of source of funds. At UWM, this requires that any faculty, academic staff, or limited appointee, on an academic year appointment must obtain prior approval from the Dean/Director and the Provost for summer appointments resulting in compensation in excess of 2/9 of academic year (Use the Request for Summer Appointment in Excess of 2/9 form). The following conditions apply for summer appointments in excess of 2/9:

- i. Faculty and academic staff are eligible to receive up to 3/9 summer salary provided at least 1/9 comes from extramural sources. In exceptional cases, to allow faculty and academic staff to meet ongoing institutional commitments, this policy allows all 3/9 of the summer appointment to be provided from non-extramural funds.
- ii. The combination of regular and overload appointments in any one summer may not exceed 3/9 of academic year salary.
- iii. Faculty and staff on 3/9 summer appointment commit 100% of their time during the entire three month period. This precludes the possibility of summer vacation time.
- d. Requests for summer service occasioned by work done during the academic year are not acceptable.

8. Temporary Base Adjustments (TBA)

Temporary base salary adjustments should be utilized in cases where a full-time employee is appointed in an acting or interim capacity, or to assume temporary administrative responsibilities at a specified percentage of his/her full-time position with concomitant release from usual and customary responsibilities. These adjustments do not constitute overload payments. The level of the base salary adjustment appropriate for the new assignment is determined pursuant to [UWS UPG 4.04](#) (7). The basic distinction between cases justifying overloads and temporary base adjustments is that an overload applies in cases where the staff member continues with all of his/her existing duties in addition to the new responsibilities undertaken, whereas a TBA is appropriate in cases where the new responsibilities taken on are offset by partial or full release of existing duties. Requests for approval of TBA's must be made on the attached form with appropriate justification.