

State Employee Dual Employment and Overtime

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Issue

This report describes the law on state employee dual employment and its relation to overtime requirements.

Summary

[State law](#) generally discourages state employees from working for two different state agencies at the same time (dual employment), particularly if the combined employment hours would require the employee to be paid overtime (for example, if an employee worked 30 hours per week in one position and 15 hours per week in a second position, he or she may have to be paid for 5 hours of overtime). However, the law allows state employee dual employment as long as each employing agency certifies certain facts (for example, that the employee's duties meet certain criteria) and, if the dual employment would require overtime pay, the Department of Administrative Services (DAS) commissioner also approves the employment. According to DAS guidance on the issue, this approval is only granted under "extraordinary circumstances" and the agencies requesting the assignment must show, among other things, that the assignment is unique, specialized, and extremely difficult to recruit.

In recent years, the Labor and Public Employees Committee has considered only one bill on this issue, 2025 [HB 5289](#). This proposed bill suggested amending the law to allow nonexempt employees of the Division of Criminal Justice to be employed as adjunct professors of criminal justice at state community colleges. The committee took no action on the bill.

State Employee Dual Employment

State law prohibits state employees from being employed by more than one state agency during a biweekly pay period unless each agency's appointing authority certifies that (1) the employee's duties are outside the responsibility of the agency of principal employment, (2) the employee's hours worked at each agency are documented and reviewed to preclude duplicate payment, and (3) no conflicts of interest exist between the services performed. It also requires advanced approval from the DAS commissioner if the dual employment arrangement would require the employee to receive overtime pay ([CGS § 5-208a](#)). Whether, and when, a state employee must be paid overtime pay is generally governed by the federal [Fair Labor Standards Act](#) (FLSA) and any collective bargaining agreement that applies to the employee.

According to DAS [General Letter No. 24](#), dated January 19, 2024, whether a dual employment assignment needs additional DAS approval depends on (1) whether the employee is subject to the FLSA's overtime requirements (nonexempt) or not ([exempt](#)), and (2) the hours worked in the primary job (where the employee works the most hours) and secondary job. Table 1 below shows approval requirements.

Table 1: FLSA Status and DAS Approval Requirement

FLSA Status of Primary Job	FLSA Status of Secondary Job	Approval Required
Exempt	Exempt (same or fewer hours than primary job)	Agencies only
Exempt	Nonexempt (fewer hours than primary job)	Agencies only
Exempt	Nonexempt (same hours as primary job)	Agencies and DAS
Nonexempt	Nonexempt (same or fewer hours than primary job)	Agencies and DAS
Nonexempt	Exempt (fewer hours than primary job)	Agencies and DAS
Nonexempt	Exempt (same hours as primary job)	Agencies and DAS

According to the General Letter, a request for dual employment that could result in overtime pay may be approved by DAS "under extraordinary circumstances." The agencies requesting the assignment must (1) demonstrate the assignment is unique, specialized, and extremely difficult to recruit; (2) document recruitment efforts and their results, including a copy of the job posting and selected candidate's application form; and (3) complete and submit certain forms and other information to the HR Policy and Information Systems Unit. If the dual employment assignment is approved, the agencies involved must also meet various other requirements, such as manually reviewing the employee's attendance in both jobs each week to ensure the proper rate of pay.

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