



DEPARTMENT OF ADMINISTRATIVE SERVICES  
INTERNAL POLICIES AND PROCEDURES

## 140 Outside Employment

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**Effective:** July 11, 2008 (formerly known as “Secondary or Part-Time Employment (Moonlighting)”)

**Reviewed:** April 10, 2018

**References:** [Utah Code Annotated, Title 67 Chapter 16](#)  
[Utah Administrative Code Rule R477-9](#) (notably [R477-9-2](#))

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### **Purpose:**

This policy regulates outside employment within the Department of Administrative Services (DAS). The policy provides basic direction regarding outside employment by a DAS employee. An employee shall also review the references listed at the beginning of the policy for any potential conflicts related to outside employment. In recognition of the unique nature of the work performed by DAS in support of other departments, this policy further delineates and specifies how the references affect and governs the actions of employees in DAS with regards to outside employment.

### **Definitions:**

For the purpose of this policy, the following definitions are established:

1. “DAS” means the Utah Department of Administrative Services;
2. “Division” means the organizational units of DAS identified in [Utah Code §63A-1-109](#);
3. “Director” means a division director, and includes the coordinator established by [Utah Code §63G-3-401](#);
4. “Employee” means a person who is employed on a full or part-time basis by DAS;
5. “Compensation” means anything of economic value including, but not limited to, money, goods, or services received by the employee or immediate family as payment for work, or related activities by the employee;
6. “Outside employment” means any act or activity engaged in by an employee which is performed in addition to employment with the State of Utah, for which compensation is received. Outside employment includes self-employment;
7. “UPM” means the Utah Performance Management system provided by the Department of Human Resource Management and utilized by DAS.

### **Policy:**

1. An employee may not violate the provisions of [Utah Code Title 67, Chapter 16, the Utah Public Officers’ and Employees’ Ethics Act](#) or the provisions of [Section R477-9-2](#).
2. DAS reserves the right to limit the type of outside employment available to an employee.



3. An employee may not engage in outside employment while the employee is on sick leave, FMLA leave, or leave granted from a leave bank without prior approval from the DAS Executive Director.
4. An employee may not use the employee's position as an employee of the State of Utah as a means of influence in securing or maintaining outside employment of any kind.
5. An employee may engage in outside employment or receive compensation for work performed in addition to their employment with DAS subject to the following conditions:
  - a. The employee completes the Form F140A, *Outside Employment or Business Ownership Application*, and the form is approved by the employee's director. The employee shall complete and submit a new approval form each July 1, or within 30 days whenever outside employment changes. This form shall be submitted before starting outside employment. An employee currently engaging in outside employment must submit this form if it has not been previously submitted and approved;
  - b. Outside employment may not interfere with the performance of the employee's state position, duties, and functions;
  - c. Outside employment may not conflict with the interests of the State of Utah or DAS;
  - d. Outside employment may not give reason for criticism or appearance or conflicting interests or duties;
  - e. Outside employment may not require the employee to use the employee's state position or any influence, power, authority, or confidential information the employee receives in that position, or state time, equipment, property or supplies for private gain.
6. The employee's director shall review the completed form and determine whether the outside employment presents a real or potential conflict of interest.
  - a. The employee's director, or designee, shall notify the employee regarding the appropriateness of the outside employment within five working days of receiving the completed form.
  - b. If it is determined that the outside employment is inappropriate, the director shall deny the employee permission to accept or continue in said employment.
  - c. An employee who is currently employed in outside employment which is determined to be in conflict with this policy may continue in the outside employment for a reasonable period of time, not to exceed three months, after which the employee must terminate the outside employment or the specific activity which is in conflict with this policy. Conflicts of interest that are more severe, or potentially or actually damaging, may require immediate termination of the outside employment at the discretion of the director.
  - d. The director shall attach a copy of the approved form to the employee's performance plan in the UPM system.



- e. Denial of outside employment may be appealed to the DAS Executive Director or the Executive Director's designee. The Executive Director's or designee's decision is final.
- 7. If an employee fails to notify the employee's director and gain approval for outside employment, the director may take disciplinary action.
- 8. An employee may not use state resources in the course of performing outside employment. State resources include, among other things, State- owned or leased equipment, office supplies or other items purchased by the State, and time for which the employee is being paid by the State.