

**DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES**

Subject: SECONDARY or PART-TIME EMPLOYMENT (MOONLIGHTING)

Date: July 11, 2008

Ref: (a) Utah Code Annotated, Title 67 Chapter 16
(b) Human Resource Management Rule (DHRM Rule) Section R477-9-2

Purpose:

This policy is established to regulate secondary or part-time employment (moonlighting) by employees within the Department of Administrative Services. Reference (a) is the Utah Public Officers' and Employees' Ethics Act, while reference (b) deals with Employee Conduct. The policy provides basic direction regarding secondary employment by employees of the State of Utah. Employees should also review the above references for any potential conflicts related to secondary or part-time employment. In recognition of the unique nature of the work performed by the Department of Administrative Services in support of other departments, this policy further delineates and specifies how the references affect and govern the actions of employees in this department with regards to secondary employment.

Policy:

1. For the purposes of this policy, the following definitions are established:
 - a. **Primary employment** – the Department of Administrative Services is the primary employer for full-time benefited employees;
 - b. **Secondary employment** - any act or activity engaged in by an employee which is performed in addition to his or her employment with the State of Utah, for which compensation is received. Secondary employment includes self-employment, and may not interfere with the primary employment for which the employee receives full-time compensation from the Department of Administrative Services;
 - c. **Compensation** - anything of economic value including, but not limited to, money, goods or services received by the employee or his or her immediate family as payment for work or related activities by the employee;
 - d. **Employee** - a person who is employed on a full or part-time basis by the state.
2. No employee shall violate the provisions of the Utah Public Officers' and Employees'

Ethics Act or the provisions of the referenced DHRM Rule.

3. The Department of Administrative Services reserves the right to limit the type of secondary employment available to employees of the department.
4. Employees may not engage in secondary employment while they are on sick leave, FMLA leave, or leave granted from a leave bank without approval from the Executive Director.
5. Employees of the Department of Administrative Services shall not use their positions as State of Utah employees as a means of influence in securing or maintaining secondary employment of any kind.
6. Employees of the Department of Administrative Services may engage in secondary employment or receive compensation for work performed in addition to their employment with the State of Utah subject to the following conditions:
 - a. Application for **Approval of Secondary Employment or Business Ownership Form** (see attached) is completed and approved. A new approval form must be submitted each July 1, or within 30 days whenever outside employment changes. This form shall be submitted before starting in secondary employment. Employees currently engaging in secondary employment must also submit this form;
 - b. Secondary employment must not interfere with the efficient performance of the employee's state position, duties, and functions;
 - c. Secondary employment must not conflict with the interests of the State of Utah or the Department of Administrative Services;
 - d. Secondary employment must not give reason for criticism or appearance of conflicting interests or duties;
 - e. Secondary employment shall not require the employee to use his/her state position or any influence, power, authority, or confidential information they receive in that position, or state time, equipment, property, or supplies for private gain;
 - f. If secondary employment is occasional, non-substantive, and unrelated to state employment, it may be excluded unless there is a potential conflict.
7. The division director, in concert with the department human resource specialist, shall review the completed form and determine whether the secondary employment presents a real or potential conflict of interest.

- a. The employee's division director, or designated agent, shall notify the employee regarding the appropriateness of the secondary employment within five working days.
 - b. If it is determined that the secondary employment is inappropriate, the employee will be denied permission to accept or continue in that employment.
 - c. Employees who are currently employed in a secondary employment which is determined to be in conflict with this policy may continue in the secondary employment for a reasonable period of time, not to exceed three months, after which the employee must terminate the secondary 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 secondary employment.
 - d. Denial of secondary employment may be appealed to the Executive Director of the Department of Administrative Services, or the Executive Director's designee. The Executive Director's or designee's decision will be final.
8. Failure to notify the appropriate division director and to gain approval for secondary employment is grounds for disciplinary action.
 9. Employees shall not use state resources in the course of accomplishing their secondary or part-time 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.

state? (If yes, explain)	
Do you have any interest in excess of \$2000 in a business regulated by the state? (If yes, explain)	

Comments:

Employee statement

____ I certify that my outside employment does not present a conflict with my State employment. If a potential conflict arises, I agree to notify my supervisor and/or division director, within three business days. I agree to submit a new application for approval by July 1 of each year, or within 30 days of a change in outside employment status.

Employee Signature

Date

Employee's supervisor and director shall check one of the following statements:

____ I have reviewed the information provided on this form and determined that this secondary employment **DOES NOT** present a real or potential conflict of interest to the State of Utah.

____ I have reviewed the information provided on this form and determined that this secondary employment **DOES** present a real or potential conflict of interest to the State of Utah.

Employee's Supervisor

Date

Division Director

Date