

DIVISION OF PARKS AND RECREATION

October 29, 1990

STAFF DIRECTIVE 90-14

TO: Division Employees

FROM: Philip K. McKnelly, Director

SUBJECT: Secondary and Dual Employment Policy and Procedure

This directive replaces Staff Directive 85-5.

The Department policy and procedures on secondary employment are attached and follow the policy of the Office of State Personnel on secondary and dual employment (sections 4 and 7 of the State Personnel Manual).

If you wish to become engaged in secondary or dual employment, you must complete the attached "Request for Approval of Secondary/Dual Employment" form and submit it through your supervisor for approval before beginning employment.

Approvals shall remain in effect for the time specified on the application as the expected period of employment. The expected period of employment must be a specific date and not an indefinite length of time. This process must be repeated any time there is a significant change in the conditions of either primary or secondary employment.

"Request for Approval of Secondary/Dual Employment" forms are to be routed through the supervisory chain of command for processing. Although the routing on the form indicates that the request is sent directly to the director from the employee's supervisor, the form should be reviewed by each supervisor in the chain of command prior to their submittal to the director.

PKM/SD/smm

Attachment

CHAPTER III – PERSONNEL
SECTION 16 – SECONDARY EMPLOYMENT

.100 PURPOSE

The goals of secondary employment procedures are:

.1 To avoid potential conflicts between the primary job responsibilities of an EHNR employee and responsibilities that might arise out of other employment.

2. To establish the process by which approval of secondary employment may be obtained and to set forth the criteria that will be applied to determine whether approval is given.

.200 POLICY

All employees of EHNR must comply with the policies and procedures contained herein prior to undertaking any secondary employment. While employees are generally free to use their nonwork hours as they desire, public employees incur certain limited restrictions on outside employment that are necessary to protect the public interest. Therefore, no secondary employment will be allowed if it is in conflict with the employee's primary job responsibilities or if it would impair the employee's ability to carry out his/her primary job responsibilities.

.1 Conflict of Interest. Secondary employment shall be approved only if the value of services provided by the employee would reasonably appear to be independent of the employee's association with the Department of Environment, Health and Natural Resources. Additionally, the following prohibitions shall be observed:

- a) Activities wherein an employee could enrich either himself/herself or his/her secondary employer by resort to privileged information or specialized knowledge about EHNR policy, programs, regulations, procedures, litigation, or intended actions.
- b) Activities that make it difficult for the public to discern whether the employee is engaged in primary employment or secondary employment.
- c) Compensation through secondary employment for services that ought to be provided as a part of primary employment responsibilities.

- d) Use of state equipment, materials, or facilities in the furtherance of secondary employment activity.

This rule does not prevent employees from working in secondary jobs where their employment with EHNR gives them no labor market advantage over persons with similar skills who are unassociated with the Department.

.2 Impairment of Work Performance. Employees shall avoid secondary employment that would impair their ability to perform their job with EHNR.

- a) Employees shall not engage in any activity that will impair the physical stamina and mental attentiveness necessary to perform their primary employment. Hours, stress, physical strain, and travel required for the secondary and primary jobs will be considered along with prior productivity, when making this determination.
- b) Employees shall not engage in secondary employment during their EHNR work hours.

.300 DEFINITIONS

SECONDARY EMPLOYMENT is work for compensation from any source except EHNR or another state agency. This includes self-employment and ownership of businesses. It includes pay by salary, wages, commissions, sales income, goods, services, travel benefits, room, board or anything else of value. Work for another state agency is “dual employment” and is covered by other state policies. The employee’s EHNR job is considered his/her “primary employment”

Examples of secondary employment include, but are not limited to: consulting in any field; sales work; clerical services; commercial fishing; farming; Christmas tree farming; selling real estate or acting as a broker; investment advice; repair work; landscaping or design services; surveying; appraisals; paid church work; selling firewood; expert testimony for reimbursement (other than as part of state employment).

Examples of incoming producing and other work which is not considered secondary employment include, but are not limited to: investment of personally owned assets in stocks, bonds, real estate, or timber; sale of the employee’s own assets; or service in a military reserve organization.

If there is any question as to whether a given activity constitutes secondary employment, it is the responsibility of the employee to bring the question to appropriate department personnel for resolution of the question.

.400 PROCEDURES

Written departmental approval must be secured prior to the beginning of any secondary employment. Failure to secure this approval shall be considered a personal conduct violation subjecting the employee to immediate disciplinary action, which could include dismissal. All new employees must apply for approval to continue secondary employment within sixty days of start of employment or cease secondary employment before the end of that period.

Approval shall be granted only on forms provided by the Department. This application for approval shall be filed with the employee's immediate supervisor and shall be acted upon by the Department within 30 days of filing. For good cause, the immediate supervisor may grant temporary approval of secondary employment while the request for departmental approval is being processed, provided that such temporary approval may not exceed 30 days. The original request of final Department decisions shall be maintained by the Division of Personnel, with a copy mailed to the employee.

Secondary employment must be approved by the Secretary or the Secretary's designee. Approvals shall remain in effect for the period specified at the time of application as the expected period of employment; provided, however, that approvals shall become invalid upon a significant material change in the conditions of either primary or secondary employment.

The Secretary may revoke approval of secondary employment at any time for just cause.

Any adverse impacts of secondary employment shall be considered by supervisors during the annual employee performance review.

State of North Carolina
Department of Environment, Health and Natural Resources
REQUEST FOR APPROVAL OF SECONDARY EMPLOYMENT

DATE: _____

1. Name of Employee: _____
2. Employee's Division or Office: _____
3. Employee's Classification: _____
4. Employee's Position or Title: _____
5. Employee's Work Station Address: _____
6. Employee's Home Address: _____
7. Request: In addition to my work with the Department of Natural Resources and Community Development, I hereby request permission to engage in the secondary/dual employment described below --
 - A. Name of secondary/dual employer: _____
(Indicate if self-employed)
 - B. Address of secondary/dual employer: _____
 - C. Short description of general nature of secondary/dual employer's (including self-employer's) business or profession: _____
 - D. My title, duties, activities and responsibilities in this secondary/dual employment will be: _____
 - E. This supplementary work or services will normally be performed on the following days and during the following hours: _____
 - F. I expect this supplementary work to begin on _____ and end on _____ (specific dates).
8. Statement: I have read the policy and procedures governing secondary and dual employment which are printed on the backside of this form. I understand the policy and the procedures; and I believe this request complies with them. Also, if any substantial change occurs in my secondary or dual employment after approval, I will report it to my supervisor.

Signature of Employee

Recommend Approval: Yes _____ No _____

Signature of Immediate Supervisor Date

Recommend Approval: Yes _____ No _____

Signature of Division Head Date

Recommend Approval: Yes _____ No _____

Signature of Assistant Secretary Date

Approved: Yes _____ No _____

Deputy Secretary Date

Reviewed and Recorded:

Personnel Division Date