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## Outside Employment Policy

### Purpose

The intent of this Outside Employment Policy (Policy) is to provide uniform guidelines and procedures for requesting, reviewing and approving requests for outside employment which are in addition to the regular job duties of the position held by an employee at the Ohio Department of Agriculture (ODA).

### Scope

This Policy is applicable to all current and prospective ODA employees, full time and part time, unless conflicting provisions exist within the collective bargaining agreement applicable to bargaining unit employees, in which case the provisions of the collective bargaining agreement control. All employees who engage in or plan to engage in any employment or activity shall submit a request for outside employment.

### Prohibitions

In the event that an ODA employee holds or desires to hold a job or position outside of their normal position with ODA, the employee must notify their supervisor and the Chief of Human Resources immediately.

No employee shall accept or engage in any employment, occupation, or business outside of ODA without prior approval from the Office of Human Resources if:

- a. The activity interferes with the employee's job attendance or job performance;
- b. The activity is incompatible with the employee's job;
- c. The activity presents a conflict of interest or the appearance of a conflict of interest with the business of ODA; or
- d. The employee is on FMLA leave from ODA.

ODA employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at ODA, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).

Employees shall not use ODA equipment or supplies for employment outside of ODA. Employees may not use sick leave to perform work for an outside employer.

### Procedures

#### **Requesting Approval of Outside Employment**

Employees who are requesting approval of outside employment must comply with the following requirements:

- a. Complete a written request for approval by filling out the Outside Activity Employment Form. This form must:



- i. Include the outside employer's name, address, and approximate hours the employee will be conducting work outside of ODA;
  - ii. Provide a short summary of the type of work which is or shall be performed for the outside employer;
  - iii. Provide whether there may be a conflict of interest or appearance with the employee's current job duties at ODA, and if there is a conflict how the employee intends to resolve the conflict or the appearance of the conflict of interest; and
  - iv. Verify that the employee is not on FMLA leave.
- b. By completing and signing the Outside Activity Employment Form, the employee certifies and agrees to the following:
  - i. The outside activity or employment will be entirely confined to non-working hours, and no solicitation shall occur during working hours;
  - ii. My outside employment or activity will not in any way interfere with my service to the Ohio Department of Agriculture;
  - iii. ODA equipment will not be used, and sick leave will not be used in order to perform work for the outside employer;
  - iv. My outside activity, employment or investment will not imply or create the appearance of ODA's official sanction, support, or participation in a private undertaking;
  - v. My outside activity, employment, or investment will not create the appearance of impropriety to the respective Division or ODA; and
  - vi. The business connections to be established or property interest acquired will not result in conflict between private or official interest or otherwise create bias my judgment in the performance of my ODA duties.
- c. Upon completion of the Outside Activity Employment Form, the employee must submit the form to the employee's supervisor, Division Chief, and the Office of Human Resources.

**The form must be submitted no later than 30 days after appointment or within 30 days of engaging in the outside employment activities.**

### **Review and Consideration**

Upon receipt of an Outside Employment Approval Form, supervisors with the approval of their Division Chief shall provide the form and their recommendation as to approval or disapproval with their reasons why in a memorandum to the Chief of Human Resources, the Chief Legal Counsel, and the Assistant Director. Before recommending approval or disapproval, supervisors must consider the following:

- a. Provisions of the Ohio Ethics Law and applicable federal regulations;
- b. Nature of the employee's official duties in relation to the nature of the duties involved in the outside employment or activity;
- c. Amount of time and hours of work required by the outside employment or activity, and whether such work will reduce the employee's efficiency;
- d. Whether the ODA employee is currently on FMLA leave; and
- e. The possibility of conflict of interest or appearance thereof. Actions taken or decisions made by the employee in carrying out duties of outside work or activities must not:
  - i. Affect or influence actions taken or decisions made by the employee in connection with their ODA duties, including whether or not the influence would be adverse;



- ii. Involve an employer which ODA does significant business, or otherwise regulates the industry in which the employee is proposing employment;
- iii. Give the employee an advantage in state or federally sponsored programs not equally available to other ODA employees or private citizens;
- iv. Affect the image of ODA as a regulatory agency of the state of Ohio;
- v. Permit use of the employee's position for personal gain or influence; or
- vi. Involve use of official ODA information not generally available to the public.

**Determination**

Final determination for approval or denial of the outside employment request will be decided by the Assistant Director or his designee. In the event that additional information is needed, ODA may request and the employee shall submit the requested information in a timely manner.

Approval or disapproval of the requested outside employment shall be provided to the ODA employee in writing by the Office of Human Resources, and shall be maintained in the employee's personnel file. In the event of approval, the approval shall only apply to the employment or activity as submitted by the employee. If the employment or activity changes, a new Outside Employment Approval form shall be submitted by the employee within 30 days of the change.

**Evaluation**

Any ODA employee who receives approval for outside employment is subject to periodic evaluation to ensure that performance of ODA job duties is maintained. Any ODA employee whose performance at ODA suffers or deteriorates due to outside employment may be requested to terminate their outside employment, and is subject to progressive discipline.

**Contact**

The Human Resources Office and Legal Division are available for consultation or questions regarding the Outside Employment Policy.

This Policy supersedes any previously issued policy or directive and will remain effective until cancelled or superseded.

**Revision History**

Date	Description of Change
7/2015	Policy Update Issued

