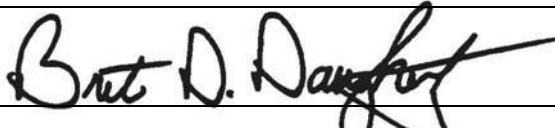




## Department Policy No. HR-241-02

<b>Title:</b>	Outside Employment
<b>Former Number:</b>	16-00
<b>Authorizing Source:</b>	Governor's Executive Order 92-04 RCW 42.52, State Ethics Law Ethics Board Advisory Opinions 01-02, 99-04, 99-07, 98-07, 98-11, 97-01, 97-03, 97-14, 96-07
<b>Information Contact:</b>	Human Resources Director Building #33 (253) 512-7940
<b>Effective Date:</b>	July 29, 2002
<b>Mandatory Review Date:</b>	November 16, 2024
<b>Revised:</b>	November 16, 2020
<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

### Purpose

This policy outlines appropriate standards and guidelines for employees who have employment outside the Washington Military Department (WMD) consistent with RCW 42.52, State Ethics Law.

### Scope

The policy applies to all state employees of the WMD. This policy does not apply to guardsmen on state active duty or to federal personnel to include Active Guard Reserves (AGRs), traditional guardsmen in a federal military status or military technicians.

### Policy

Employees may engage in outside employment, provided such employment does not utilize WMD resources or create undue financial obligations for the WMD, interfere with proper performance of assigned duties, and is not in conflict with the provisions of RCW 42.52 which establishes ethical standards and guideline for public employees.

- A.** Employees shall not participate in outside employment that conflicts with the performance of their assigned duties. Employees' outside employment must be consistent with the provisions of RCW 42.52, which establishes a code of ethics for public officers and employees. Outside employment regardless of hours worked, includes, but is not limited to:
1. Employment by another unit of government (federal government, state agencies, or local jurisdictions);
  2. Private employment;
  3. Owning or operating a private business;
  4. Employment as a consultant or advisor;
  5. Work under personal service contracts with another unit of government (federal government, state agency, or local jurisdiction); and
  6. Volunteer (paid or unpaid) work on a regularly scheduled basis that coincides with or overlaps assigned work time. This does not include National Guard, State Active Guard, or any of the Armed Forces Reserve components.
- B.** Potential conflicts of interest are prohibited regardless of the hours worked. This includes, but is not limited to:
1. Participation in outside employment that conflicts with the performance of the employees assigned job duties.
  2. Use of WMD time, materials, facilities, equipment (telephones, copiers, computers, etc.) or other services in connection with outside employment is prohibited.
  3. Compensation from outside sources for any services that are part of an employee's departmental duties or responsibilities.
  4. Contracts for services provided to the WMD
- C.** Outside employment within the state civil service system may be denied when it creates overtime obligations for the WMD.
- D.** Employees must complete a Disclosure of [Outside Employment Form](#), attached hereto, for any outside employment. A new disclosure form is required if the duties change for either the outside employment, or the assigned duties within the WMD.
- E.** WMD will approve or deny the request for outside employment. WMD will deny such requests, and will withdraw previously granted approval, when the WMD Director (The Adjutant General (TAG)) determines that a potential or actual conflict of interest exists or when the outside employment will interfere with the performance of duties at WMD.
- F.** Employees shall not use their positions within the WMD to create the opportunity for private gain.

- G. Employees shall be notified in writing if their request for outside employment is denied, or if a previously granted approval is withdrawn. Employees must choose to discontinue employment either with the outside employer or the WMD within 30 calendar days of the notification of denial.
- H. Employment candidates will be apprised of this policy and be provided a copy during the selection/hiring process and/or prior to any offer of employment.

**Reporting Requirements:** All outside employment must be reported and receive approval in advance from the Division Director. All approvals are subject to review and potential denial from the WMD Director (TAG). Outside employment will be reviewed on a case-by-case basis after considering the information on the Request for Authorization/Disclosure of Outside Employment form along with other relevant factors as noted in the procedures.

### **Procedures**

- A. Employees must complete the Request for Authorization/Disclosure of Outside Employment form. The form must be submitted through the appropriate supervisor to the Division Director for approval. The form must be completed when entering employment with WMD if the employee is working at another job outside the WMD. Denials of outside employment must be in writing from the Division Director. Denials will be reviewed with the WMD Director (TAG) or his designee.

Employees shall resubmit a Request for Authorization/Disclosure of Outside Employment form if there are changes in duties of their outside employment, changes in assigned duties within WMD, or if employees obtain new outside employment.

For those already engaged in outside employment prior to the implementation of this policy, this form must be submitted within 14 days after the effective date of the policy.

- B. The Division Director will review the employee's request using the guidelines and make a determination regarding the actual or potential conflict of interest. If no actual conflict of interest exists, the Division Director will sign, date, and approve the form. Copies of the request will then be returned to the employee, the employee's immediate supervisor, and the state Human Resources/Payroll Office (HRO) (original copy to HRO/Payroll).
- C. If the Division Director determines that the outside employment creates a condition of actual or potential conflict of interest, the request should be denied.
- D. Employees may request reconsideration through the Division Director to the WMD Director (TAG) when outside employment requests are denied. These requests must be filed in writing and contain a statement of the reasons and special circumstances, which would justify a review.

**Guidelines:** The following guidelines are provided to assist the supervisor or manager in determining whether a potential conflict of interest exists or may be perceived.

1. Does the outside employment involve the same or similar kind of work as the employee's state job?
2. Does the outside employment interfere with assigned working hours of the position?
3. Would the outside employment give rise to an appearance that the outside employer could influence the judgment of the state employee or WMD on matters that affect the outside employer?
4. Would the outside employment give rise to an appearance that the employee is using WMD resources – such as time, facilities, and equipment – in the performance of their work for the outside employer?
5. Does the outside employer have interest that could be significantly affected by the performance or non-performance of the state employee's official duties or those of the WMD?
6. Is there any potential that the outside employment could conflict or appear to conflict or interfere with the duties, objectives, or interest of the WMD in any manner not indicated by the previous questions?
7. Is the outside employer another agency of the state of Washington?