



P O L I C Y

Section: Human Resources

Subject: Supplementary Employment

Approved By: DENR Secretary

Eff. Date: May 15, 1991

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POLICY STATEMENT:

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

Conflict of Interest

Supplementary 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 and Natural Resources.

Prohibitions

The following prohibitions shall be observed:

- Activities wherein an employee could enrich either himself/herself or his/her supplementary employer by resort to privileged information or specialized knowledge about DENR policy, programs, regulations, procedures, litigation, or intended actions.

- Activities that make it difficult for the public to discern whether the employee is engaged in primary employment or supplementary employment.
- Compensation through supplementary employment for services that ought to be provided as a part of primary employment responsibilities.
- Use of state equipment, materials, or facilities in the furtherance of supplementary employment activity.

Impairment of Work Performance

Employees shall avoid supplementary employment that would impair their ability to perform their job with DENR.

- 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 supplementary and primary employment will be considered, along with prior productivity, when making this determination.
- Employees shall not engage in supplementary employment during their DENR work hours.

DEFINITIONS:

Primary Employment is the full-time job, along with its duties and responsibilities, for which employed by DENR.

Supplementary Employment is work for compensation from any source except DENR. Supplementary employment includes both categories of secondary employment and dual employment.

Secondary Employment is work for compensation from any source except DENR 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. The employee’s DENR 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 income 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 his/her division director for resolution of the question.

Dual Employment is work performed for another state agency and is governed by State Personnel policy.

SEE ALSO:

Secondary Employment policy, Section 4, State Personnel Manual.
 Dual Employment policy, Section 7, State Personnel Manual.
 DENR Standard Operating Process, Section 8G