

EMPLOYEE SERVICES

Directive - 0519



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03/22/2018

Established: 09/01/2010

SECONDARY EMPLOYMENT POLICY

PURPOSE/OBJECTIVES

The purpose of this policy is to provide guidance in assisting City employees in meeting their obligations and responsibilities under the City's secondary employment requirements of the Jacksonville Ethics Code. The Ethics Code provision on secondary employment, Section 602.403, can be reviewed at <http://www.coj.net/Departments/Ethics+Office/Ethics+Code+.htm>. Employee Services, the Ethics Office and the Departmental Ethics Officers (DEO) will assist in identifying conflicts of interest that may arise by engaging in secondary employment. Employee Services will serve as the main contact for secondary employment and the required forms. This Secondary Employment policy supplements the law and addresses:

- Employees appointed by the Mayor seeking approval to undertake secondary employment.
- Employees appointed by a Constitutional Officer or City Council President seeking approval to undertake secondary employment.
- Notification of secondary employment by all other full time employees.

Employees of the Jacksonville Sheriff's Office (JSO) are excluded from this policy and are governed by JSO Secondary Employment policy as determined by the Ethics Director.

A list of DEOs may be reviewed at <http://www.coj.net/departments/ethics-office/department-ethics-officers/deo-contact-information.aspx>.

DEFINITIONS

Secondary Employment

Secondary employment refers to a second job held by a full-time City of Jacksonville employee. This secondary employment includes contract, self-employment and part time work as well as any employment for another person or organization for any period of time while employed by the City of Jacksonville.

Secondary employment includes:

- operating a business.
- providing paid consultancy services to another person or organization.
- partnerships and directorships of companies; (Note: any position that involves being engaged in the business of the company in an employee's spare time).
- paid work outside; and/or,
- voluntary employment in return for a benefit.
- employment undertaken while on approved leave (either paid or unpaid).
- employment that generates any taxable income on a W-2 form or a 1099 form, and work that an employee is doing that is not currently generating income (example: a business the employee is

"getting off the ground" or one in which the employee's spouse is receiving the salary and the employee is not generating income.) Any outside work is covered.

If in doubt, declare it or discuss it with your DEO. Military duties are not considered to be secondary employment.

Conflict of Interest - exists when the outside employment could reasonably be expected to impair independence in judgment or performance of a City employee's duties. Some examples of conflicts occur when:

- the company the employee works for has any business dealings with the City of Jacksonville.
- secondary employment is undertaken during the same hours that an employee is being paid as a City employee, if not on approved leave.
- secondary employment makes use of any City of Jacksonville facility, equipment or resource including but not limited to telephone, computer software and information technology resources and fleet vehicles.
- secondary employment makes use of or may commercially benefit from information the employee possesses by virtue of their employment with the City of Jacksonville.
- COJ employees are required to provide verification of any approved secondary employment to any COJ agency when providing vendor services directly to COJ.

SECONDARY EMPLOYMENT POLICY STATEMENT

An employee must not engage in private employment or contract work outside the service of the City of Jacksonville that could reasonably be expected to impair independence in judgment or performance of City duties.

Employment with the City of Jacksonville carries with it an obligation to act in the public interest. Accordingly, employees must abide by the standards provided in the Ethics Code, obey the law and consider the spirit of the law.

An employee must not engage in secondary employment outside the services of the City if prohibited from doing so by the appropriate approving authority or unless the employee has agreed in writing to any of the terms and/or conditions placed on the secondary employment by the appropriate approving authority.

APPLICABILITY

This policy applies to all full -time employees as described below:

A. Appointed Officials and Appointed Employees Reporting to the Mayor

Appointed officials and appointed employees are responsible for reporting proposed secondary employment falling within the scope of this policy. Such employment must be approved and the secondary employment must not commence **prior** to the Mayor's designee's approval. All secondary employment of appointed officials and employees is posted on the City's website. This is required by the Ethics Code.

B. Appointed Officials and Employees Reporting to the City Council

All employees appointed by the City Council, while full – time employees of the Council, must obtain **prior** approval from the Council President/Designee before accepting secondary employment.

C. Elected Constitutional Officials and their Employees

All employees appointed by a Constitutional Officer, while full – time employees of the

Constitutional Office, must obtain **prior** approval from the Constitutional Officer /designee before accepting secondary employment.

D. All other full-time City employees

All other employees must provide notification of secondary employment, by completing the attached form within ten days of commencing secondary employment. The review of conflict of interest standards by the employee's department official (department head or DEO) may result in notification to terminate the secondary employment relationship.

- E.** New employees with the City of Jacksonville will receive a copy of the Secondary Employment Policy during their on-boarding session. At this time they will acknowledge receipt of the Secondary Employment Policy by signing the Policy Acknowledgment and Loyalty Statement. Any updates to the Secondary Employment Policy will be sent to each department, with an acknowledgment form, to distribute to all employees. The departments will send all signed acknowledgment forms back to Employee Services.

ANNUAL RENEWAL

On an annual basis, by March 31st of each year, **all** employees with approved Secondary Employment will be required to verify their information with Employee Services. Employees must send an email to secondaryemployment@coj.net stating there has been no change and they request their approval be extended for another year or follow the directions below to update their request.

Any failure to follow this renewal process by the deadline will result in the immediate termination of the employee's Secondary Employment authorization.

PROCEDURE FOR APPOINTED OFFICIALS AND EMPLOYEES

1. Requests to engage in secondary employment shall be submitted using the attached form. The employee shall submit the form with the required information to his/her DEO with a copy to the direct supervisor for approval prior to commencing secondary employment.
2. The DEO will conduct the initial review of the secondary employment for any potential conflict issues, conferring with the Ethics Officer and General Counsel's office as necessary.
3. The DEO will then forward the recommendation to the Director/Chief for departmental recommendation.
4. The department recommendation shall be submitted, within five (5) days of receipt, to the Director of Employee Services /designee or appropriate appointing authority for approval.
5. The Employee Services recommendation shall be submitted to the Mayor's designee for final approval.
7. The employee shall be notified of the recommendation of approval or denial. A copy of the request/notification form shall be placed in the employee's personnel file.
8. After receipt of this approval, Employee Services will update the master list of Appointed City employees engaged in secondary employment for publication to the coj.net website and the Employee Portal.

PROCEDURE FOR ALL FULL-TIME EMPLOYEES (OTHER THAN APPOINTED)

1. Notifications of secondary employment shall be submitted using the attached form. The employee shall submit the form with the required information to his/her DEO with a copy to the direct supervisor within ten days of commencing secondary employment.
2. The DEO will conduct the initial review of the secondary employment for any potential conflict issues, conferring with the Ethics Officer and General Counsel's office as necessary.
3. The DEO will then forward the form to the Director/Chief for the departmental review.

4. After review, the department shall submit, within five (5) days of receipt, to the Director of Employee Services/designee or appropriate appointing authority for final disposition.
5. The employee shall be notified if any conflicts of interest are apparent. This may result in a direction to cease the secondary employment. A copy of the notification form shall be placed in the employee's personnel file and a fully executed copy will be sent to the employee for his/her records.
6. After receipt of this approval, Employee Services will update the master list of City employees engaged in secondary employment.

UPDATES OF APPROVED SECONDARY EMPLOYMENT

Employees must provide a new request through the same procedure used for initial submittals, for the following reasons:

- The duties and responsibilities of secondary employment changes,
- termination of secondary employment, or
- duties and responsibilities of City employment changes.

If any of these conditions are met:

1. All full time employees must provide secondary employment information updates, within thirty (30) days of the change, by using the attached form. The DEO will review the change and confer with the City Ethics Officer and General Counsel's Office as necessary to determine if a conflict of interest exists.
2. The DEO will then forward the recommendation to the Director/Chief for the departmental recommendation.
3. Directors/Chiefs are responsible for ensuring notifications of secondary employment are appropriately evaluated and forwarded to the Director of Employee Services /designee or appointing authority for consideration and/or approval within five (5) days of receipt.
4. For Appointed Officials and Appointed Employees, the Employee Services recommendation shall be submitted to the Mayor's designee for final approval.
5. The employee shall be notified of any conflicts that may result in a denial or a direction to cease the secondary employment. A copy of the notification form shall be placed in the employee's personnel file and a fully executed copy will be sent to the employee for his/her records.
6. After receipt of this approval/notification Employee Services will update the master list of City employees engaged in secondary employment and post to the coj.net website and the Employee Portal as appropriate.

VIOLATIONS

Not reporting secondary employment or any violations of the Secondary Employment Directive may result in disciplinary action, up to and including termination and/or preventing rehire, if deemed appropriate.

Any violations identified are to be reported to the Office of Ethics, Compliance and Oversight within three (3) calendar days.

Questions concerning this policy may be directed to the City's Ethics Officer at ethics@coj.net or the appropriate DEO.

