

STATE OF COLORADO

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

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John W. Hickenlooper
Governor

H. Michael Edwards
Major General
The Adjutant General

September 1, 2012

Policy Title: Outside Employment Policies

Effective Date: 01 September 2012

Summary: Provides Policy on Outside Employment of DMVA State Employees

Applicability: All State Employees of DMVA

Staff Proponent: Human Resources

Supersedes: None

A. Purpose:

To define and outline procedures for State employees of the Department of Military & Veterans Affairs (DMVA) who are seeking approval and engaging in outside employment (public or private sector, paid or unpaid).

B. Background:

State of Colorado Personnel Rules and Employee Handbook reflect that state jobs are a State employee's principal employment. Outside employment, either with another state department or an employer other than the state, or other activity (business transactions or ownership, volunteer positions, etc.) that is or could be perceived as incompatible with the duties and responsibilities of a state position is prohibited. Advanced written approval from the Appointing Authority or delegate must be gained before engaging in outside employment. Failure to obtain approval before beginning outside employment may result in corrective or disciplinary action.

C. Definitions:

Outside employment under State Personnel Board Rule 1-13: No employee is allowed to engage in any outside employment or other activity that is directly incompatible with the duties and responsibilities of the employee's state position, including any business transaction, private business relationship, or ownership. The employee is not allowed to accept outside compensation for performance of state duties. This includes acceptance of any fee, compensation, gift, reward, gratuity, expenses, or other thing of monetary value that could result in preferential treatment, impediment of governmental efficiency or economy, loss of complete independence and impartiality, decision making outside official channels, and disclosure or use of confidential information acquired through state employment. Incompatibility includes reasonable inference that the above has occurred, may occur, or has any other adverse effect on the public's confidence in the integrity of state government. If the employee receives any such form of compensation that cannot be returned, it is to be immediately turned over to the appropriate state official as state property except for the following:

- The employee may accept awards from non-profit organizations for meritorious public contributions.
- Honoraria or expenses for papers, demonstrations, and appearances made with approval of the appointing authority may also be kept if the activity occurs during a holiday, leave, a scheduled day off, or outside normal work hours.

- Items that fall within Article 29, Amendment 41 of the State of Colorado Constitution.

An employee shall give advance notice to the Appointing Authority and take necessary steps to avoid any direct conflict between the employee's state position and outside employment or other activity.

Additionally, State Personnel Board Rule 1-14: Employees may engage in outside employment with advance written approval from the appointing authority. The appointing authority shall base approval on whether the outside employment interferes with the performance of the state job or is inconsistent with the interests of the state, including raising criticism or appearance of a conflict.

A. An employee may be retained by a different department through a personal services contract to perform a different function consistent with specific requirements outlined in Chapter 10 of State Personnel Rules.

B. A personal services contract involving a State employee shall not be used to evade overtime.

This policy also addresses policies on when an employee of Military & Veterans Affairs works for more than one State agency. State Personnel Board Rule 1-15 states: An employee may be employed by and receive compensation from more than one department with advance written approval of the primary appointing authority. There must be a written agreement between the appointing authorities that specifies the terms and conditions of the arrangement including any overtime considerations.

D. Policy:

The Department of Military & Veterans Affairs defines outside employment and/or personal activity as any private practice, private consulting, teaching or research for another organization, or other similar services to third parties, whether compensated or uncompensated, which are not a part of the employee's assigned duties for which DMVA has provided no compensation. The following are DMVA policies for outside employment and/or personal activity:

1. Outside employment or business ownership shall not interfere with the performance or working hours of the State position responsibilities.
2. Employees should be aware of their obligations and responsibilities as public employees of DMVA. An employee is bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Colorado (Part 18, Article 24, Colorado Revised Statutes), the advisory opinions rendered with respect thereto, and DMVA policies.
3. Nothing in this policy is intended to discourage an employee from engaging in personal activity in order to increase the employee's professional reputation, service to the community, or income, subject to the conditions stated herein.

Employees are responsible for disclosing and resolving conflicts of interest, working with their supervisors and DMVA administration. Conflicts of interest are prohibited. A conflict of interest includes:

1. Any conflict between the personal activities of the employee and public interests of the State, DMVA, the military, or the Veterans Board, including conflicts of interest specified under Colorado Statutes;
2. Any conflict between a personal activity and the full and effective performance of the employee's duties and obligations to DMVA; or
3. Any conflict or appearance of conflict between a personal relationship and the exercise of unbiased professional judgment in performance of the employee's institutional responsibilities or obligations.

Any State employee who proposes to engage in any compensated personal activity, or any other personal activity which the employee should reasonably conclude may create a conflict of interest, shall report to the employee's supervisor, in writing, the details of such proposed activity prior to engaging therein. The attached form can be used for the written disclosure. The report shall include, where applicable, the name of the employer or other recipient of services; the funding source; the location where activity will be performed; the nature and extent of the activity; and any intended use of DMVA facilities, equipment, or services. This report shall be submitted every year that the outside activity continues and if there is a significant change in the outside activity such as the nature of the activity, the extent of appointment, funding, etc. An employee engaging in any personal activity shall not use the facilities,

equipment, or services of DMVA in connection with such outside activity without prior approval of the Appointing Authority or delegate. Approval of the use of DMVA facilities, equipment, or services may be conditioned upon reimbursement for the use thereof.

Any employee engaging in personal activity shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of DMVA.

Official:

//signed//

H. Michael Edwards
The Adjutant General

Distribution: DMVA Staff Proponents
DMVA Website



MILITARY & VETERANS AFFAIRS OUTSIDE EMPLOYMENT AGREEMENT

Employees are responsible for disclosing and resolving conflicts of interest, working with their supervisors and administration. Conflicts of interest are prohibited. A conflict of interest includes:

1. Any conflict between the personal activities of the employee and the public interests of DMVA, the Veterans Board, or the State of Colorado, including conflicts of interest specified under Colorado Statutes;
2. Any conflict between a personal activity and the full and effective performance of the employee's duties and obligations to DMVA or the State; or
3. Any conflict or appearance of conflict between a personal relationship and the exercise of unbiased professional judgment in performance of the employee's organizational responsibilities or obligations.

Any employee who proposes to engage in any compensated personal activity or any other personal activity which the employee should reasonably conclude may create a conflict of interest shall report the following:

1. Proposed activity:
2. Name of employer or recipient of employee services:
3. Address of employer or recipient of employee services:
4. Location where activity is performed:
5. Funding source for compensation:
6. Nature of activity:
7. Extent of activity (e.g. up to 8 hours per week):
8. DMVA equipment, facilities, information, contractors, or services used:
9. Will this activity conflict with scheduled activities, meetings, and/or other duties that require employee presence at DMVA? Yes No
10. Personal relationships with individuals over whom I exercise professional judgment in performing my duties (if any):

Any employee engaging in personal activity shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of DMVA.

Print Employee Name:

Date:

Signature:

Supervisor's Name:

Date:

Supervisor's Approval Signature

Appointing Authority Name:

Date:

Appointing Authority Approval Signature