STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

MEMORANDUM

TO: **All State of Ohio Employees** MES 10 Aug 15

FROM: **Major General Mark E. Bartman, The Adjutant General**

DATE: **August 11, 2015**

SUBJECT: **WORK RULE – Secondary Employment**

The Adjutant General's Department recognizes that employees may desire secondary employment outside of the Ohio Adjutant General's Department. Outside employment is generally permissible if it does not adversely impact the employee's work or attendance, is in accordance with Ohio Ethics laws, does not create a conflict of interest with the business of the Ohio Adjutant General's Department, and occurs completely outside of the employees' hours of work except for paid holidays.

Policy

1. STATEMENT OF POLICY

It is the policy of the Ohio Adjutant General's Department that employees must have prior approval before engaging in secondary or outside employment. Secondary employment requests shall be reviewed by the Department to avoid any conflicts of interest or the appearance of conflict. It is not the intent of the Ohio Adjutant General's Department to otherwise restrict an employee from engaging in secondary or outside employment.

A. Secondary employment, occupation, or business outside the Ohio Adjutant General's Department will not be permitted if it:

i. Creates either directly or indirectly, a conflict of interest; or the appearance of conflict with the employee's employment at the Ohio Adjutant General's Department; or

ii. Has an impact on, or creates a possible conflict with, Ohio Adjutant General's Department operations; or

iii. Impairs in any way the employee's ability to perform all expected duties, or to make decisions and carry them out in an objective fashion the responsibilities of the employee's position; or

iv. Adversely impacts an employee's work or attendance, or

v. Violates any federal, state, or local statute, or an Ohio Adjutant General's Department directive prohibiting the outside activity during employment.

B. No employee shall perform any work activities related to secondary employment while on state premises during the employee's work hours. In addition, no employee shall use any government owned or government-leased equipment when engaged in or completing tasks for his/her secondary employer.

2. REQUESTS AND APPROVAL FOR SECONDARY EMPLOYMENT

A. Employees must obtain approval within fourteen (14) calendar days prior to accepting an offer of secondary employment. An employee shall submit to his/her immediate supervisor, a fully completed **Application for Secondary Employment** to initiate the approval process. An employee currently engaged in outside employment shall complete and submit the form within fourteen (14) calendar days of this policy's effective date. New employees who are employed outside Ohio Adjutant General's Department when hired shall complete the **Application for Secondary Employment** upon beginning employment with Ohio Adjutant General's Department.

B. The completed application shall include the following:

i. **Employee's Full Name**

ii. **Classification** – Employee's job title

iii. **Work Location** – Complete description of where employee is assigned.

iv. **Supervisor** – Name of supervisor.

v. **Secondary Employer/Address/Telephone** – If the employee has more than one employer, a separate form must be completed for each employer.

vi. **Title of Proposed Outside Position/Duties to be Performed**

☐ Clearly describe the title of the position.

☐ Provide a complete and accurate description of all job duties and responsibilities.

☐ Explain any service contracts, supply services, or other connection by the secondary employer with the Ohio Adjutant General's Department.

☐ Provide a copy of an Ethics Commission opinion requested by the Department's Chief Legal Counsel, if applicable

vii. **Signature and Date** – Must be completed before application will be processed.

C. Any applicable comments shall be noted on the application form by the employee's immediate supervisor and forwarded to the Department's State Human Resources (SHR) for review.

D. SHR will review the application for approval or denial and if applicable, collaborate with Ohio Adjutant General's Department Chief Legal Counsel, who may in turn also consult with Ohio Ethics Commission. After a final decision is made, SHR will note the approval or denial on the application form, as well as any applicable comments, and then forward a copy of the form to the employee and his/her immediate supervisor. The original request form will be maintained in the employee's personnel file.

E. An employee is responsible for ensuring that the outside employment is in compliance with Ohio Ethics Laws.

3. UPDATED REQUEST

Any employee approved for secondary employment shall submit a revised application, completed with updated information, to his/her supervisor when any one (1) of the following circumstances applies:

A. There is a change in the employee's state classification (e.g. Fire Fighter to Captain). NOTE: Upon a change in classification, a previously approved application is rendered invalid.

B. Changes in secondary employment status (e.g. new responsibilities)

C. Significant and material changes in the information contained on the previously approved Application for Secondary Employment.

4. WITHDRAWAL OF APPROVAL FOR SECONDARY EMPLOYMENT

Approved requests may be subsequently withdrawn if the Ohio Adjutant General's Department becomes aware that an employee's secondary employment presents a conflict of interest with the employee's position at Ohio Adjutant General's Department.

5. STANDARDS FOR ALL OUTSIDE EMPLOYMENT

When employees are participating in any type of outside employment, they are to strictly adhere to the following requirements:

A. Employees are prohibited from engaging in activities in the pursuit of personal profit while on state time or state property, and when absent from their state position on due to illness, injury, short term disability, or Family Medical Leave Act (FMLA) leave.

B. Outside employment shall not involve the use of state time, government facilities, personnel, copiers, computer or internet and telecommunication resources, vehicles, equipment, supplies or any other government resource.

C. Employees engaging in outside employment shall not use the Ohio Adjutant General's Department logo or position at Ohio Adjutant General's Department in such a manner to suggest endorsement or support of product goods or services. Employees are prohibited from using their Ohio Adjutant General's Department phone number, address, official title or identification on private business cards or other written material.

D. Outside employment shall not involve such time demands that would render performance of the employee's Ohio Adjutant General Department's duties less efficient or take precedence in any way over those duties.

E. It is a violation of the law to solicit business from co-workers on state time, property or using Ohio Adjutant General's Department resources.

6. FAILURE TO COMPLY

Failing to adhere to this policy, engaging in secondary employment without approval, or after approval has been withdrawn may result in disciplinary action, up to and including removal.

ADJUTANT GENERAL'S DEPARTMENT
APPLICATION FOR SECONDARY EMPLOYMENT

Name	Employee ID
ADJ Job Classification	
ADJ Work Location	
ADJ Supervisor	
Secondary Employer (Including Self)	
Secondary Employer Address	Telephone Number
Title of Position	
Duties Performed	
Does this secondary employer hold a service contract or supply services to the Ohio Adjutant General's Department? YES or NO	
If yes explain	
Does an Ethics Commission opinion exist for this secondary employment? NO YES (if yes, attach a copy)	
Is this an original application? YES NO, If No how long have you been employed in this capacity, how long have you had an application for secondary employment on file, and are there any changes in the duties you perform as compared with your previously approved application?	

I have read, understand the requirements of this policy, and am requesting review and approval for the secondary employment documented above. I further understand that significant changes in the above information may require the submission of a new Application for Secondary Employment.

Employee Signature	Date
Supervisor Comments	
Supervisor Signature	Date

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Comments		
Signature	Date	Approval YES NO