

## ENGAGING IN OUTSIDE EMPLOYMENT WHILE EMPLOYED BY WSDA

**Subject Matter Lead:** Human Resources Director      **Effective Date:** \_\_\_\_\_

**Accompanying Procedures:** [PRO-HR-214A](#)      **Accompanying Forms:** [AGR 1137](#)  
AGR 1216

**Cancels:** POL-HR-214, dated 1/4/2017

**Sunset Review Date:**

**Approved By:** \_\_\_\_\_  
Derek I. Sandison

**References:** [POL-HR-200](#) Delegation of Appointing Authority  
Chapter [42.52 RCW](#) State Ethics Law

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This policy establishes requirements for all Washington State Department of Agriculture (WSDA) employees who have or plan to have additional employment outside of the agency. For represented employees, if a collective bargaining agreement (CBA) conflicts with the policy, the CBA prevails.

**1. WITH PRIOR APPROVAL, EMPLOYEES MAY HAVE OUTSIDE EMPLOYMENT IF IT DOES NOT INTERFERE WITH PERFORMING WSDA DUTIES OR RESULT IN A CONFLICT OF INTEREST**

- Current employees must complete Form AGR 1216 *Request for Outside Employment* and obtain approval prior to beginning the outside employment.
- New employees must complete Form AGR 1137 *Outside Employment Statement* and, if applicable, Form AGR 1216, and disclose outside employment within their first 30 calendar days of employment.
- Supervisors must provide a copy of this policy and Form AGR 1137 *Outside Employment Statement* to new employees during the onboarding process.

**2. REQUESTS FOR AUTHORIZATION FOR OUTSIDE EMPLOYMENT ARE SUBJECT TO REVIEW AND APPROVAL BY BOTH THE APPOINTING AUTHORITY OR DESIGNEE AND THE HUMAN RESOURCES DIRECTOR OR DESIGNEE**

- The director retains final authority to approve or deny outside employment, if the appointing authority and Human Resources director disagree.
- Any delegation of appointing authority must be done in compliance with [POL-HR-200](#).

### **3. EMPLOYEES MUST RESUBMIT THE AUTHORIZATION FOR OUTSIDE EMPLOYMENT WHEN THEIR INTERNAL OR OUTSIDE JOB DUTIES CHANGE**

- If an employee changes positions within WSDA, or if conditions of the outside employment substantively change, they must resubmit the Authorization for Outside Employment to their supervisor within 30 calendar days of the change being effective.

### **4. APPROVAL MAY INCLUDE WSDA-IMPOSED CONDITIONS ON AN OUTSIDE JOB OR A WSDA POSITION TO AVOID A CONFLICT OF INTEREST**

- If outside employment represents a conflict of interest or a potential conflict of interest, remedial action may be required.
  - Remedial action may mean an employee may be directed to terminate either the outside employment or the WSDA job within 30 calendar days. Alternatively, it may require compliance with conditions set by WSDA for continuing the outside employment.

### **5. THESE REQUIREMENTS ARE IN ADDITION TO ANY FEDERAL RESTRICTIONS THAT EMPLOYEES MAY BE SUBJECT TO BECAUSE OF THEIR POSITIONS**

- For example, employees licensed by the USDA-Federal Grain Inspection Service would also be subject to the provisions of the Grain Standards Act and the Agricultural Marketing Act.

### **6. HUMAN RESOURCES WILL MAINTAIN COMPLETED OUTSIDE EMPLOYMENT FORMS IN EMPLOYEE PERSONNEL FILES**

### **7. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS POLICY MAY RESULT IN CORRECTIVE OR DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION**

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#### **DEFINITIONS:**

**Appointing authority** means the individual lawfully authorized to appoint, transfer, lay off, reduce, dismiss, suspend or demote employees.

**A conflict of interest** includes, but is not limited to:

- Any employment that would require or encourage disclosure of confidential information acquired as a state employee.
- Any employment in which an employee would use such information for the gain or benefit of himself or herself or another person.
- Employment by or business with a person or organization that provides direct or contractual services or goods to the agency, uses the services of the agency, or whose operations are regulated by the agency, unless:
  - The nature of the employment, as determined by the agency, is clearly unrelated to an employee's assigned duties, and
  - The employee does not have or appear to have the opportunity to influence the relationship between the employer or organization and the agency.

**Outside employment** means providing goods or services in exchange for monetary or other material compensation, including self-employment. Income received from rental properties or the sale of family or personal household goods will not be considered outside employment.

**Administrative Procedure No. PRO-HR-214A**

**ENGAGING IN OUTSIDE EMPLOYMENT WHILE EMPLOYED BY WSDA**

**Subject Matter Lead:** Human Resources Director      **Effective Date:** \_\_\_\_\_

**Accompanying Policy:** [POL-HR-214](#)      **Accompanying Forms:** [AGR 1137](#)  
[AGR 1216](#)

**Cancels:** PRO-HR-214A, dated 4/5/2017

**Sunset Review Date:**

**Approved By:** \_\_\_\_\_  
Derek I. Sandison

**References:** [POL-HR-200](#) Delegation of Appointing Authority  
[Chapter 42.52 RCW](#) State Ethics Law

This procedure establishes how employees of the Washington State Department of Agriculture (WSDA) may hold jobs outside of the agency without violating ethics laws. For represented employees, if a collective bargaining agreement (CBA) conflicts with the procedure, the CBA prevails.

**Action By:**

**Action:**

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| Employee   | <ol style="list-style-type: none"> <li>1. If an employee has, or plans to have, employment outside of the agency, <b>completes</b> <a href="#">AGR 1216</a> <i>Request for Authorization of Outside Employment</i>.</li> <li>2. New employees <b>complete</b> <i>AGR 1137 Outside Employment Statement</i> as part of their onboarding process.</li> <li>3. <b>Submits</b> form to supervisor.</li> </ol>  |
| Supervisor | <ol style="list-style-type: none"> <li>4. <b>Determines</b> whether a conflict of interest or potential conflict of interest exists.</li> <li>5. <b>Recommends</b> approval or disapproval of request. <ol style="list-style-type: none"> <li>5a. May recommend conditional approval of request, setting conditions on work that is allowed in the outside job or the WSDA position in order to avoid a conflict of interest.</li> </ol> </li> <li>6. <b>Signs</b> AGR 1216.</li> <li>7. <b>Submits</b> form to appointing authority or designee.</li> </ol> |

**Action By:**

**Action:**

Appointing Authority or Designee	8. <b>Determines</b> whether a conflict of interest or potential conflict of interest exists. 9. <b>Approves</b> or <b>disapproves</b> supervisor's recommendation. 10. <b>Submits</b> form to Human Resources director or designee.
Human Resources Director or Designee	11. <b>Determines</b> whether a conflict of interest or potential conflict of interest exists. 12. <b>Approves</b> or <b>disapproves</b> supervisor's recommendation. 13. If authorizing parties are in agreement, <b>notifies</b> supervisor. 13a. If authorizing parties disagree, <b>submits</b> AGR 1216 to director or designee.
Director or Designee	13b. <b>Determines</b> whether a conflict of interest or potential conflict of interest exists. 13c. <b>Approves</b> or <b>disapproves</b> AGR 1216. 13d. <b>Notifies</b> Human Resources director or designee and appointing authority or designee of decision.
Supervisor	14. <b>Notifies</b> employee of decision.
Employee	14a. Takes remedial actions as necessary to avoid an actual or potential conflict of interest.

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  - The nature of the employment, as determined by the agency, is clearly unrelated to an employee's assigned duties, and
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