


Department of Health Policy

Title:	Outside activities	Number:	07.064
Procedure:	See associated procedure		
References:	RCW 42.52, Hatch Act, DOH Policy 07.021, 07.015		
Applies to:	All DOH employees		
Contact:	DOH Ethics Advisor		
Effective Date:	January 1, 2017	Review Date:	January 1, 2022
Supersedes:	N/A		
Approved:	 Chief of Staff, Department of Health		

Policy Statement:

Department of Health employees are permitted to engage in outside activities, including other employment, volunteering, and holding political office; however, restrictions apply. An employee's outside activities must not conflict or appear to conflict with their ability to fulfill all of his or her responsibilities to the Department or the State of Washington. Additional restrictions apply regarding the use of state resources in support of those outside activities and the ability of certain employees to hold partisan political office. The purpose of this policy is to identify those restrictions.

For represented employees the collective bargaining agreements (CBA) supersede specific provisions of agency policies with which it conflicts. However, CBA does not supersede the provisions in the Ethics in Public Service Act, RCW 42.52.

Definitions:

Conflict of Interest – Any activity that may conflict or appear to conflict with the proper discharge of an employee's official duties or impair/influence an employee's ability to make decisions on behalf of the state.

Employee – For purposes of this policy, employee includes DOH volunteers, interns, fellows, and apprentices. See Policy 07.021.

Outside Employment – Any employment other than that at DOH, including self-employment, where compensation is received. This does not include income from rental properties or income received from the sale of personal household goods.

Volunteer – An employee who works for an organization other than DOH without compensation.

Partisan Office – A public office for which a candidate may indicate a political party preference on his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name.

Academic appointments – Faculty positions in higher education, both regular (tenure) and term appointments including contract, temporary, visiting, or adjunct positions.

Framework:

1. General:

Employees must obtain appointing authority approval for outside activities that represent a potential conflict of interest.

- A. All new DOH employees must complete an Outside Activities Disclosure Form within five (5) days of starting employment.
- B. Current DOH employees must complete the Outside Activities Disclosure Form prior to engaging in outside activities.
- C. If it is determined that a conflict of interest exists or would exist if the activity is engaged in, and the conflict cannot reasonably be mitigated, the employee must choose to either discontinue or not engage in the outside activity, or discontinue employment with DOH.
- D. The Chief Human Resource Officer has delegated authority to approve or deny outside activities for the Secretary and Chief of Staff.
- E. All changes in outside activities or DOH job responsibilities that could represent a conflict of interest must be reported on an Outside Activities Disclosure Form not more than five (5) days after the change is effective.

See procedure.

2. Outside employment:

- A. With proper approval, employees may hold outside employment, provided the employment does not:
 1. Create an actual, potential, or appearance of a conflict of interest,
 2. Use DOH resources, even on a de minimis basis, or create financial obligations for DOH. Employees may not use:
 - a. Their DOH issued phone number, email, or address to send or receive messages pertaining to outside employment.
 - b. State equipment or supplies (e.g., computers, copiers, fax machines, office supplies, vehicles, facilities) to support outside employment.
 - c. State time or facilities to conduct any outside business.
 - d. Any confidential information gained through their employment with DOH to support or further their outside employment.
 3. Interfere with the proper performance of assigned duties or the duties of other DOH employees, and/or
 4. Conflict with the Ethics in Public Service Act, RCW 42.52.

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B. Employees will not engage in outside employment or conduct business:

1. With a person or organization that provides direct or contractual services or goods to DOH, uses the services of DOH, or whose operations are regulated by DOH unless:
 - a. The nature of the employment, as determined by the Appointing Authority or designee /Chief Human Resource Officer, is clearly unrelated to the employee's assigned duties, and
 - b. The employee does not have, or appear to have, the opportunity to influence the relationship between the employer or organization and DOH.
2. If the employment would require or encourage disclosure of confidential information acquired as a state employee or use such information for the gain or benefit of the employee or another person.
3. If the employment or business relationship is with a DOH employee in their chain of command.

C. In certain instances, outside employment with another state agency will require prior approval by the Executive Ethics Board. Information is available on the Board's website at ethics.wa.gov.

3. Volunteer activities

Note: This policy does not apply to work-related volunteer activities approved by the Secretary as described in policy 07.015.

- A. Employees may participate in volunteer activities, provided the activity does not:
1. Create an actual, potential, or appearance of a conflict of interest,
 2. Use DOH resources or create financial obligations for DOH,
 3. Interfere with the proper performance of assigned duties or the assigned duties of other DOH employees, or
 4. Conflict with the Ethics in Public Service Act, RCW 42.52.
- B. If an employee believes his or her volunteer activities may pose a potential conflict or the appearance of a conflict, he or she is to disclose the activity according to the attached procedure.
- C. Employees may not serve as a board member or consultant if, in their official assignment with DOH, they would have any responsibility for acting on applications from the organization, or for evaluating, monitoring, or making referrals to the services provided by the organization, or if their service would conflict with the discharge of responsibilities to DOH.

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1. If necessary, DOH employees will limit participation as a board member or consultant to avoid questions of conflict of interest. This limitation will include disqualifying themselves from discussion of or voting on certain matters.
2. Employees may not serve in any capacity that would involve responsibility for signing applications to the department for allocation or granting of funds.
3. Employees may not actively participate in soliciting funds or grants from DOH. This restriction also applies to letters of support for requesting funds.
4. Exceptions must be approved by the Secretary or designee.

4. Academic activities

All academic activity, appointments or potential appointments need to be disclosed via the Outside Activities Request/Disclosure form. This includes all types of appointments – adjunct, affiliate, visiting, technical assistance, clinical, research, etc. – whether paid or unpaid.

A. Compensated Appointments:

Employees may hold compensated faculty appointments. All procedures and conditions under Outside Employment apply. State resources may not be used in support of these activities.

B. Uncompensated Appointments:

1. If the appointment is not a work-related activity, all procedures and conditions under Outside Employment still apply.
2. In order to be considered a work-related activity, the activity must:
 - a. Be directly related to an employee's job duties or role at DOH;
 - b. Advance the mission of DOH;
 - c. Be included in the employee's position description and/or PDP to the extent practicable;
 - d. Be at a Washington state public college or university; and
 - e. Be approved by the appointing authority via the Outside Activity Request/Disclosure form.
3. DOH resources may be used in support of work-related appointments to the extent authorized by the supervisor. The appointing authority may place limits on those resources.

B. Activity Without Appointment:

1. Staff may serve as guest lecturers, mentors, or consultants. If the activity is not approved as part of their job duties, conditions under Outside Employment (if compensated) or Volunteer Activities (if not compensated) apply.
2. With Appointing Authority or designee approval, staff may represent DOH as guest lecturers, mentors, or consultants in their area of expertise and/or as public health officials.

- a. To the extent practicable, approval and expectations for these types of activities are to be included in the employee's position description and/or performance development plan.
- b. DOH resources may be used in support of the activity. The Appointing Authority may place limits on those resources.
- c. Honorarium in the form of cash or with a monetary value (e.g., gift cards or certificates, regardless of whether or not they can be exchanged for cash) may not be accepted. See policy 07.015.

Academic activities may not conflict with the Ethics in Public Service Act, RCW 42.52. DOH academic interns or fellows are considered employees for purposes of this policy.

5. Political office:

The federal Hatch Act, 5 U.S.C. § 1501 – 1508, prohibits state employees whose positions are funded solely by federal loans or grants from running for partisan political office.

In addition, the Hatch Act prohibits any state employee who, as a normal and foreseeable part of his or her position or job, performs duties in connection with an activity financed in whole or in part by federal funds from:

- Using his or her official authority or influence to interfere with or affect the results of an election or nomination; or
- Directly or indirectly coerce, attempt to coerce, command, or advise a state, District of Columbia, or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

All conditions under outside employment or volunteer activities apply, including the requirement that the activity not conflict with the Ethics in Public Service Act, RCW 42.52. For additional restrictions on political activities that apply to all staff, refer to department policy 07.015 Ethics.

Appeals:

Outside activity denials may be appealed. Requests to appeal must be submitted to the Chief Human Resource Officer or designee not more than 10 (ten) business days from the date the denial was relayed to the employee. The decision of the Chief Human Resource Officer or designee will be final.

Review and Approval:

The DOH Ethics Advisor will be responsible for coordinating any updates or rescinding of this policy or its associated procedure(s) with the Labor Relations Manager in the Office of Human Resources. The Secretary, Department of Health, has full authority to review and approve this policy and associated procedures. The Secretary also has the authority to delegate this responsibility.

Procedure(s) for Policy 07.064 Outside Activities

Key Function	Activity	Person(s) Involved
Identification of outside activity	New employees disclose outside activities, current employees request to engage in outside activities.	Employees
Review by supervisor	Supervisor assessment of outside activity in relation to employee's job duties and sphere of influence.	Immediate supervisor
Review by office or division director	Office or division director's assessment of supervisor's recommendation.	Office or division director
Review and decision by appointing authority or designee	Appointing authority's review of supervisor/office or division director's recommendation. Approve or deny activity.	Appointing authority or designee
Appeal of denial	Employee appeals the decision in case of a denial	Employee
Review of appeal	Chief Human Resource Officer or designee reviews appeal, makes a determination	Chief Human Resource Officer or designee

Link(s) to resources:

Outside Activity Request/Disclosure form

PROCESS: Review and approval or denial of identified activity		
Steps	Activity or Event(s)	Person(s) Involved
1	Employee completes Outside Activity Request/Disclosure form – <ul style="list-style-type: none"> • New Staff – within 5 days of start date • Current staff – prior to engaging in outside activity, or within 5 days of change in position, or upon change in duties that would impact the outside activity 	Employee
2	Form is forwarded to immediate supervisor for review. Supervisor assesses outside activity in light of employee's duties and sphere of influence. If no potential conflict is identified, recommend approval and forward to division/office director.	Immediate supervisor
3	If potential conflict is identified, determine if the condition can reasonably be mitigated, e.g. ensure employee has no responsibility for certain contracts/subrecipients. If reasonable, prepare	Immediate supervisor

	mitigation plan, recommend approval with conditions, and forward to division/office director.	
4	If the potential conflict cannot reasonably be mitigated, recommend denial, include rationale, and forward to division/office director.	Immediate supervisor
5	Office/division director reviews supervisor's assessment and recommendation, determines if they agree or disagree with the recommendation. If disagreement, describe why and attach proposed mitigation plan if applicable. Forward to appointing authority.	Division/office director
6	Appointing authority or designee reviews recommendation, mitigation plan (if applicable), and makes determination to approve or deny. Notifies employee, supervisor, division/office director, and human resources.	Appointing authority or designee

PROCESS: Appeal		
Steps	Activity or Event(s)	Person(s) Involved
1	Within 10 business days of receiving a denial, an employee submits a request for appeal to the Chief Human Resource Officer or designee. Appeal must be in writing and include a description of why the employee believes there is no conflict and proposed mitigation plan (if applicable).	Employee
2	Chief Human Resource Officer or designee reviews request, recommendations, and appeal. Makes a decision within 10 working days. Notifies employee, supervisor, division/office director, and appointing authority.	Chief Human Resource Officer or designee



Outside Activity Request/Disclosure

Washington State Department of Health																				
Last Name:	First Name:	Date:																		
Division:	Office:	Job Title:																		
<p>Pursuant to the requirements of DOH Policy 07.064 regarding outside activities, this is to report that I am (new employees) or wish to become (current employees) engaged in the following outside activities, or that I am currently engaged in outside activities and have had a significant change in my DOH job responsibilities.</p>																				
<p>Select One:</p> <p> Employment <input type="checkbox"/> Volunteer <input type="checkbox"/> Academic Appointment <input type="checkbox"/> </p> <p style="text-align: center; font-size: small;">Include guest lecture activity not approved as part of your DOH position</p> <p>Partisan Political Office <input type="checkbox"/></p>																				
Name (include DBA if applicable) and city/state of outside organization or person(s):																				
Job/position/volunteer title:	Location of activity:																			
Hours per week:	Date activity begins/began:	Date activity ends:																		
Description of activity and duties:																				
<p>Answer all questions. Explain any "yes" answers below.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">1. Is the organization/person a client of DOH?</td> <td style="width: 15%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 15%; text-align: center;"><input type="checkbox"/> No</td> </tr> <tr> <td>2. Is the organization/person a vendor or subrecipient of DOH?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input type="checkbox"/> No</td> </tr> <tr> <td>3. Does the organization/person otherwise do business with or try to influence policies at DOH?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input type="checkbox"/> No</td> </tr> <tr> <td>4. Does the activity involve functions which are normally part of your responsibilities at DOH?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input type="checkbox"/> No</td> </tr> <tr> <td>5. Is there any other factor that could be a potential conflict with your responsibilities as a DOH employee?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input type="checkbox"/> No</td> </tr> <tr> <td>6. For partisan political office activity only: Is your position 100% federally funded?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input type="checkbox"/> No</td> </tr> </table>			1. Is the organization/person a client of DOH?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	2. Is the organization/person a vendor or subrecipient of DOH?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Does the organization/person otherwise do business with or try to influence policies at DOH?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	4. Does the activity involve functions which are normally part of your responsibilities at DOH?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	5. Is there any other factor that could be a potential conflict with your responsibilities as a DOH employee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	6. For partisan political office activity only: Is your position 100% federally funded?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Explain any "Yes" answers:																				
<ul style="list-style-type: none"> • Upon acceptance of a new job within the agency requiring new duties, I understand that I need to complete this form again and reapply for approval of the outside activity to ensure that the new duties do not conflict, or appear to conflict, with this policy/procedure. 																				

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Outside Activity Request/Disclosure

- I understand that I am required to notify in writing my supervisor and the Office of Human Resources when this activity is discontinued.
- I understand that this request/disclosure of outside activities will be made part of my personnel file.

Employee Signature

Date

Supervisor:

Assess the request/disclosure of outside activity in light of the employee's DOH duties and sphere of influence. Based on that, determine if the outside activity will be recommended for approval, approved with conditions, or denied. A conflict exists when the outside activity is of a nature that would prevent, or give the appearance of preventing, the employee from using independent and impartial judgment in the exercise of their official duties.

Recommend for approval – no potential conflict identified.

Check here if the activity is recommended as an unpaid, work-related academic appointment

Recommend for approval with conditions – potential conflict identified. (Please attach a conflict mitigation plan)

Recommend denial – potential conflict identified that cannot be mitigated. Please describe:

Supervisor Signature

Date

Office/Division Director:

Review the recommendation of the supervisor. Forward to appointing authority:

I agree with the supervisor's recommendation.

I disagree with the supervisor's recommendation. Please describe:

Division/Office Director Signature

Date

Appointing Authority:

Approved.

Approved with conditions – plan attached.

Denied

Appointing Authority Signature

Date

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DOH Form

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Outside Activity Request/Disclosure

Request for Appeal:

Requests to appeal must be submitted to the Chief Human Resource Officer not more than 10 (ten) business days from the date the denial was received by the employee.

Please describe the reason you are appealing the decision. Attach a proposed mitigation plan if applicable:

Employee Signature

Date

Chief Human Resource Officer:

Date appeal received: _____

Review the information provided and discuss with parties involved as needed to make a determination:

- Agree with decision – there does appear to be a conflict that cannot reasonably be resolved.
- Disagree with decision – there does not appear to be a conflict.
- Disagree with decision – there does appear to be a conflict however it can be reasonably mitigated. See attached plan.

Chief Human Resource Officer Signature

Date

Distribution:

Original – personnel file

Copy – appointing authority, division/office director, supervisor, employee

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Date: 11-18-16