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Outside Employment/Business Activity Policy

**EFFECTIVE DATE:**

**SUPERSEDES:** September 1, 1993

**APPROVED:**

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This policy applies to all OMWBE employees. OMWBE permits outside employment or business ownership interest to OMWBE employees if such employment meets the requirements of state statute and OMWBE guidelines.

OMWBE serves the small business community and participates in recommending firms for contracts in the public and private sector. Because of this relationship, outside employment with one of the small businesses in Washington State would likely create a conflict, whether real or perceived, between personal interest and the interests of OMWBE. OMWBE employees may wish to start, re-start, or invest in a small business that could become certified as a MWBE business. This would also provide a conflict of interest between personal interest and the interests of OMWBE.

Employees should avoid any personal business or professional activity that would create a conflict between personal interest and the interests of OMWBE. Any gaps or ambiguities in this policy shall be construed in accordance with Chapter 42.52 RCW and WAC 292-110-060.

1. Outside Employment or business ownership interest Must Not Conflict with Assigned Duties or provide a conflict of interest with certified minority firms in the state of Washington.
  - Outside employment or business ownership interest must not conflict with an employee's ability to carry out their assigned duties for OMWBE.
  - Employees may accept outside employment if the work is not connected with their official duties or within the scope of their official supervision.
  - Employees may not accept outside employment with certified firms.
  - Employees may not have a business ownership interest in a certified firm.
  - Employees may not sit on the board of directors of a certified firm.
  - Employees may accept outside employment if the position is not expressly created or authorized by employees in their official capacity.
  - Employees may accept outside employment if it is not prohibited by RCW 42.52 and if the outside work is not prohibited by OMWBE.

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2. Employees are precluded from Certain Outside Employment

Regardless of hours worked, outside employment includes but is not limited to: employment by another unit of government or state agency; private employment; owning or operating a private business; employment as a consultant or advisor; appointment to the board of directors of a for-profit firm, or work under a personal service contract.

- Under no circumstances will employees apply for or be granted benefits of state MWBE or federal DBE certification.
- Under no circumstances will employees use agency time, material, facilities, equipment, telephone, personnel, or other services in connection with outside employment.
- Employees will not receive compensation from outside sources for services that are part of the employee's assigned duties.
- Employees will not use state position to influence any representative of any organization doing business with OMWBE, other state agencies, or prime contractors doing business with the State, unless authorized/designated to do so in writing by the Director.
- Employees will not accept, directly or indirectly, any compensation, gratuity or reward from certified firms, potentially certified firms, vendors, fellow employees or general public for performing or not performing official duties.
- Employees will not receive, accept, take, seek or solicit directly or indirectly, anything of economic value as a - gratuity, or favor from any person doing business, seeking to do business, or receiving services from this or any other state agency.
- Employees may not accept outside employment if it would require the disclosure of confidential information.
- Employees may not use their state position to create the opportunity for private gain.

3. Employees Complete Notification of Outside Employment Form

- Prior to the onset of outside business or business ownership interest, employees must complete the Outside Employment Notification form.
- OMWBE will periodically require all employees to complete the notification form. This review should be done at least annually.

4. Director May Require Prior Review and Approval

If one or more of the following relevant factors apply, an employee must obtain the director's approval before accepting outside employment or becoming involved with a business ownership interest.

- The outside employment or business ownership interest involves the same or similar kind of work as the employee's state job.
- The outside employment gives rise to an appearance that the outside employer could be influencing the judgment of the state employee on matters that affect the department or the small business communities that OMWBE serves.

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- The outside employment gives rise to an appearance that the employee is using state resources – such as time, facilities, supplies, telephone, equipment, information, personnel, or other resources in connection with outside employment- in the performance of his/her work for the outside employer
  - There is the potential that the outside employment could actually, or appear to, conflict/interfere with the duties, objectives, or interests of the department in any manner not previously indicated.
  - The outside employment is another agency of the State of Washington, which requires an interagency agreement. In certain instances, outside employment with another state agency may require prior approval by the Executive Ethics Board.
5. Employees Resubmit Notice if Duties Change Significantly
- Employees must resubmit notification if the duties of their outside employment or assignment employment duties change significantly.
6. OMWBE May Require Reapplication of Withdraw Approval
- OMWBE may at any time require reapplication or withdraw approval of any situation determined to present a perceived potential, or actual conflict of interest.
  - OMWBE may periodically require all employees to complete an Outside Employment Notification form
7. Violators are subject to Corrective and/or Disciplinary Action
- Employees who violate this policy are subject to corrective and/or disciplinary action.
  - Serious violation of this policy may also violate federal regulations specified in the USDOT DBE program which OMWBE administers. This type of violation, when serious, may be determined by local or federal law enforcement to be fraud.

I have read and understand the Outside Employment/Business Activity Policy of OMWBE.

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Signature

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Date

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**Executive Ethics Board**

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