

<b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b>	Transmittal # 17-12	Policy # 3.16
Applicability: <input checked="" type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input type="checkbox"/> Community Services <input type="checkbox"/> Secure Facilities (RYDCs and YDCs)	Related Standards & References: O.C.G.A. § §45-10-20 <i>et seq.</i> , 45-10-26 State Personnel Board Rule 478-1-.07	
Chapter 3: PERSONNEL	Effective Date: 11/30/17	
Subject: OTHER EMPLOYMENT	Scheduled Review Date: 11/30/18	
Attachments:	Replaces: 7/31/14	
A – Standard Request for Approval of Other Employment	Human Resources	
B – Special Request for Approval of Other Employment with another state agency	APPROVED:	
C – Request to Continue Other Employment while on leave of absence		
	Avery D. Niles, Commissioner	

## I. POLICY:

Employees of the Department of Juvenile Justice shall perform their work efficiently and effectively, in a fair and impartial manner, placing the duties and responsibilities of their public office first at all times. The Department recognizes that employees sometimes seek additional employment during their off hours to earn additional income or to develop new skills and experience. Any other employment, including outside business activities, is considered secondary to the duties and responsibilities required of a Department employee. Employees shall not engage in any business and/or employment activity that could be perceived as creating a conflict of interest with his/her responsibilities to the Department.

## II. DEFINITIONS:

**Agency:** Any separate and distinct division or subdivision of state government whose head is legally authorized to appoint employees to positions. The term does not include authorities, public corporations, county/city governments or local boards of education, but does include local Department of Public Health, County Departments of Family and Children Services, and community service boards.

**Appointing Authority:** The person or groups of persons authorized by law or delegated authority to make appointments to fill positions. The term also includes any person properly designated by the appointing authority to perform any duty of the appointing authority.

**Business:** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust or other legal entity.

**Department:** For purposes of this policy, the Department of Juvenile Justice.

**Family:** Spouse and dependents.

**Full-time:** 30 hours of work for the state for more than 26 weeks per calendar year.

**Other Employment:** Working as an employee for any employer (including another state agency), owning a business, contracting to provide services for a fee, serving as a consultant for a fee or

Chapter	Subject	Policy #	Page
PERSONNEL	OTHER EMPLOYMENT	3.16	2 of 8

honorarium, or being self-employed. Any work that produces income other than the salary received from the Department of Juvenile Justice is considered other employment. "Other employment" does not include participating in activities such as yard sales, hosting home parties (provided the employee is not a paid representative or commissioned sales representative of the company), babysitting, or boarding animals (provided that such services are not offered to the general public).

**Part-time:** Any amount of work other than full-time work.

**Person:** Any individual, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or other legal entity.

**Substantial Interest:** Direct or indirect ownership of more than 25% of the assets or stock of any business.

**Transact Business:** To sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative and to purchase surplus real or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative.

### III. PROCEDURES:

#### A. General Provisions:

1. A Department of Juvenile Justice employee may seek and secure additional employment, provided that the other employment does not:
  - a. Interfere or conflict with an employee's effective performance of assigned duties and responsibilities with the Department;
  - b. Constitute a violation of any applicable federal law, state law, regulation, Governor's Executive Order, or Department policy; and
  - c. Constitute or create an actual or perceived conflict of interest with Department employment.
2. Any employee who wishes to engage in other employment must request approval in accordance with the procedure specified in Section D.
3. Outside employment is not an excuse for poor performance, tardiness, absenteeism, or for refusal to work overtime or travel when required.
4. An employee must report any full or partial ownership of a business if the business currently does business with any organizational unit of the Department, or if it seeks to do business with any organizational unit of the Department.
5. Any employee who violates this policy or applicable federal or state law, fails to make required disclosures, or fails to take action to resolve express or direct conflicts of interest is subject to disciplinary action up to and including dismissal.

<b>Chapter</b>	<b>Subject</b>	<b>Policy #</b>	<b>Page</b>
PERSONNEL	OTHER EMPLOYMENT	3.16	3 of 8

**B. Prohibitions:**

1. An employee must not engage in any other employment activities during working hours. Prohibited activities include, but are not limited to:
  - a. Conducting an outside business while on duty by any means of communication such as making/accepting calls, sending/responding to text messages or e-mails, operating fax or copier machines, telephones, computers, etc.;
  - b. Conducting an outside business while on duty by selling products or services to other employees; and
  - c. Being on call for other employment.

**C. Employment With Other State Entities:**

1. For purposes of the Fair Labor Standards Act (FLSA), the State of Georgia, including all of its state agencies, is considered a single employer.
2. In order to avoid the potential for the accumulation of Department liability for FLSA overtime, an employee who is FLSA non-exempt may not work for any other state agency.
3. An employee who is FLSA exempt may work for another state agency, subject to the limitations specified in this policy.
4. An employee who desires to work for another state agency must request prior approval of that employment by following the procedure specified in Section E. of this policy.
5. An employee, including one who is FLSA non-exempt, may work for an organization that is considered a separate employer (e.g., Authorities, public corporations, and units of the University System of Georgia.)
6. Any employee who desires to work for a state organization must request prior approval of that employment by following the procedure in Section D of this policy.
7. Any questions concerning the interpretation and application of this provision will be directed to the Director of Human Resources or designee.

**D. Special Request for Approval of Other Employment (with another state agency):**

1. An employee who wishes to work for another state agency must submit a Special Request for Approval of Other Employment (Attachment B) before accepting other employment.

<b>Chapter</b>	<b>Subject</b>	<b>Policy #</b>	<b>Page</b>
PERSONNEL	OTHER EMPLOYMENT	3.16	4 of 8

2. The immediate supervisor must review the request to ensure that the proposed other employment does not:
  - a. Interfere or conflict with the employee's current duties and responsibilities with the Department;
  - b. Constitute a violation of any applicable federal law, state law, regulation, Governor's Executive Order, or Department policy; or
  - c. Constitute or create an actual or perceived conflict of interest with the Department. (The supervisor may consult the General Counsel/Ethics Officer in the Office of Legal Services for questions regarding an actual or perceived conflict of interest. See DJJ 3.10, Standards of Conduct and Ethics.)
  
3. If the immediate supervisor determines that the request complies with the provisions of this policy, the supervisor will approve the request and forward it to the appointing authority for review and determination. The appointing authority will use the criteria listed above in Section D.2, in making the determination. The appointing authority may establish special conditions for the approval and must document any special conditions on the form.
  
4. If the appointing authority determines that the request complies with the provisions of this policy, the appointing authority will approve the request and forward it to the Director of Human Resources for further review.
  
5. The Director of Human Resources or designee may not approve the request without the following documentation:
  - a. A written certification from the chief executive officer of the other state agency from which the DJJ employee seeks other employment:
    - (1) That the other state agency desires to hire the DJJ employee for additional employment or do business with the DJJ employee;
    - (2) That the other state agency needs the services the DJJ employee will perform;
    - (3) How part-time employment of the DJJ employee by that agency, or doing business with the DJJ employee, is in the best interest of the state as compared to hiring or doing business with a person not presently employed by the state; and
    - (4) That the other state agency accepts responsibility for any overtime compensation resulting from the dual employment.

Chapter	Subject	Policy #	Page
PERSONNEL	OTHER EMPLOYMENT	3.16	5 of 8

- b. A written certification from the Commissioner of the Department of Juvenile Justice that:
    - (1) The DJJ employee is available for other employment with, or to do business with, the other state agency;
    - (2) Employment at, or doing business with, the other state agency will not detract or have a detrimental effect on the DJJ employee's job performance and;
    - (3) Where appropriate, the DJJ employee's part-time employment with the other state agency is in the best interest of the state.
  - c. An agreement between, DJJ and the other state agency that establishes the procedures under which the DJJ employee will work or perform the additional services. The agreement will specify the means of employment (either as a part-time employee or as a consultant), the compensation, and other pertinent details and conditions of the employment or business relationship. Either DJJ or the other state agency may terminate the agreement at any time.
- E. Request for Other Employment (other than with another state agency):
1. An employee must seek and receive approval for other employment before accepting that other employment.
  2. An employee must seek and receive approval to do business with another entity before beginning business with that entity.
  3. The DJJ employee must submit a Standard Request for Approval of Other Employment (Attachment A) to his/her immediate supervisor.
  4. The immediate supervisor must review the request to ensure that the proposed other employment or business activity does not:
    - a. Interfere or conflict with the employee's current duties and responsibilities with the Department;
    - b. Constitute a violation of any applicable federal law, state law, regulation, Governor's Executive Order, or Department policy; or
    - c. Constitute or create an actual or perceived conflict of interest with Department employment. (The supervisor may consult the Ethics Officer for questions regarding an actual or perceived conflict of interest.)
  5. If the immediate supervisor determines that the request complies with the provisions of this policy, the supervisor will approve the request and forward it

<b>Chapter</b>	<b>Subject</b>	<b>Policy #</b>	<b>Page</b>
PERSONNEL	OTHER EMPLOYMENT	3.16	6 of 8

to the appointing authority for review and final determination. The appointing authority will use the criteria listed above in Section D.2 in making the final determination. The appointing authority may establish special conditions for the approval and must document any special conditions on the form.

6. The appointing authority will send a copy of the approved request to the Office of Human Resources to be maintained in the employee's official personnel record.

F. Approval/Disapproval:

1. If a request is approved, the Office of Human Resources will forward a copy of the approval to the employee through his chain of command, the employee's appointing authority, and the appropriate Deputy Commissioner or Central Office Director. The Office of Human Resources will place a copy of the approval in the employee's personnel file.
2. If a request is not approved at any level, the reason(s) for disapproval will be documented on the request form and a copy will be provided to the employee through his chain of command.
3. A request for approval (standard or special) will expire when employment with an approved employer is terminated, or the conditions or job responsibilities of the other employment significantly change.
4. Request for approval of Other Employment must be submitted before the employee accepts another job and at any other time thereafter primary or secondary employment's duties and circumstances change.

G. The Department may revoke approval for other employment at any time for any of the following reasons:

1. Negative impact upon the employee's work performance in the Department or the employee's performance is less than "meets expectations";
2. Use of Department time and/or resources for the benefit of other employment;
3. Failure to notify the immediate supervisor of any major change in the nature of the other employment;
4. The submission of falsified information to secure or maintain approval of other employment;
5. Development of conflicts in work schedule; or
6. Change in circumstances, based upon the needs of the Department of Juvenile Justice.

<b>Chapter</b>	<b>Subject</b>	<b>Policy #</b>	<b>Page</b>
PERSONNEL	OTHER EMPLOYMENT	3.16	7 of 8

H. Other Employment During a Leave of Absence:

1. An employee who intends to continue other employment while on a paid or unpaid absence from duty must submit a Request to Continue Other Employment (Attachment C) if:
  - a. The absence exceeds 3 work days and is for reasons of personal illness, injury or disability; or
  - b. The absence exceeds 5 work days and is for any reason other than personal illness, injury or disability.
2. The employee must submit the Request to Continue Other Employment to his/her immediate supervisor. The supervisor will review the request, recommend approval or disapproval, and forward the recommendation to the appointing authority.
3. The appointing authority will review the request to determine if the continuation of other employment is compatible with the reasons for the leave of absence and will either approve the request or direct the employee to discontinue the other employment during the period of leave.
4. An employee who continues other employment without requesting and receiving approval or who continues other employment after approval has been denied is subject to disciplinary action up to and including termination.
5. After the appointing authority makes a final determination on the request, he/she will send a copy of the completed request form to the Office of Human Resources, who will file it in the employee's personnel record.

I. Annual Disclosure:

1. An employee must disclose any transaction(s) with the state when a single transaction exceeds \$250.00 or the total of all transactions exceed \$9000.00 per year. That employee must file electronically a State Business Transaction Disclosure Report prior to January 31 each year with the Georgia Government Transparency and Campaign Finance Commission (CFC).
2. Any employee who fails to file a required disclosure is subject to restitution, civil penalties, and removal from office or employment.

J. Record Keeping:

1. The Standard Request for Approval of Other Employment form, the Special Request for Approval of Other Employment form, the Request to Continue Other Employment form and all approval letters, agreements, and other applicable documentation will be filed in the employee's personnel record.

<b>Chapter</b>	<b>Subject</b>	<b>Policy #</b>	<b>Page</b>
PERSONNEL	OTHER EMPLOYMENT	3.16	8 of 8

**IV. LOCAL OPERATING PROCEDURES REQUIRED: NO**