

MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Supplementary Employment	Number: 515.18 Amended
Date: March 7, 2013	By Direction of:  Kelly Powell Logan, Secretary of Administration
Contact Agency: Office of Administration, Office for Human Resources Management, Office of Human Resources, Telephone 717. 783.5446	

This directive establishes policy, responsibilities, and procedures for delegating authority for supplementary employment, implementing uniform policy on supplementary employment in accordance with *Executive Order 1980-18, Code of Conduct*, and clarifies the requirements for approval of volunteer activities for full-time and part-time employees. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities, and procedures for implementing the supplementary employment provisions of *Executive Order 1980-18, Code of Conduct*.
- 2. SCOPE.** Applies to all commonwealth employees in departments, independent administrative boards and commissions, and other state agencies under the Governor's jurisdiction who are subject to *Executive Order 1980-18, Code of Conduct*.
- 3. OBJECTIVE.** To standardize procedures for requesting approval for supplementary employment as defined by *Executive Order 1980-18, Code of Conduct (4 Pa. Code §7.156)*.
- 4. DEFINITIONS.**
 - a. Regular Work Hours.** The number and times of work hours that are predictable from pay period to pay period.
 - b. Supplementary Employment.** Employment that is secondary to commonwealth employment.

- c. **Volunteer Activities.** The provision by an employee of services and/or time to an organization outside of his commonwealth employment, without compensation or remuneration for such. An employee's performance of responsibilities for, or involvement in activities on behalf of, a union is not considered to be volunteer activities for the purposes of this directive.

5. POLICY.

- a. All employees who work for compensation or remuneration in any capacity outside of their commonwealth employment, except for military duty, are required to file supplementary employment requests with their agency head or designated official who will either approve or disapprove the requests. Such supplementary employment shall include self employment. Employees are required to resubmit requests when changing supplementary employment or whenever the duties of either their commonwealth or supplementary employment position change substantially.
- b. Approval for supplementary employment must be obtained prior to accepting such employment for current employees and prior to employment with the commonwealth for prospective employees.
- c. Supplementary employment is considered secondary to commonwealth employment and any conflicts arising out of supplementary employment will be resolved in favor of the commonwealth. Conflicts of interest in supplementary employment include, but shall not be limited to, conflict with conditions of employment established by the Executive Board (see *Management Directive 525.11, Dual Employment*) and, where applicable, the State Civil Service Commission; conflicts with conditions of employment, including hours of work, or regulations promulgated by the commonwealth agency in which such employee is employed; and conflicts with other applicable laws, rules, or regulations. Commencing or continuing in supplementary employment after receipt of notice that such supplementary employment has been disapproved shall constitute grounds for discipline up to and including removal.
- d. Unless otherwise provided by specific agreement, the Secretary of Administration has final authority for resolving all conflict of interest disputes.
- e. Approval to engage in volunteer activities generally is not required. Approval of volunteer activities is required where the activity may present a conflict of interest with the employee's regular work hours, regular job duties or the mission of the agency or may affect the public's trust and confidence in the employee, the agency, or state government. Where the provisions of a collective bargaining agreement or memorandum of understanding address involvement in volunteer activities (e.g., participation in fire fighting activities), such provisions will control.
- f. Approval of the Secretary of Administration is required for the following:
 - (1) Supplementary employment, including voluntary activities, for employees in senior level positions as defined in *Management Directive 515.16, Appointment to Senior Level Positions*.

- (2) Supplementary employment involving political activity, with or without compensation or remuneration.

6. RESPONSIBILITIES.

a. **Agency Heads** shall:

- (1) Establish a mechanism for submission and review of supplementary employment requests.
- (2) Review all supplementary employment requests with the agency Chief Counsel to determine whether any conflicts of interest exist. Unresolved cases will be referred to the Secretary of Administration.
- (3) Provide for monitoring the performance of employees to ensure that supplementary employment does not affect the ability to carry out duties on behalf of the commonwealth.
- (4) Ensure that employees are advised of their responsibility to submit supplementary employment requests.
- (5) Ensure that employees are provided with specific reasons for disapprovals and are given the opportunity to resolve any conflicts of interest.

b. **Agency Chief Counsels** shall provide advice and assistance to their agency heads in determining whether any conflicts of interest exist between supplementary and commonwealth employment.

c. **Agency Human Resources Officers** shall:

- (1) Provide Form STD-355, Supplementary Employment Request (Form STD-355), to employees required to file and, where necessary, Form STD-357, Supplementary Employment Request for Review (Form STD-357).
- (2) Maintain completed supplementary employment requests.
- (3) Provide follow-up notice to employees who fail to submit supplementary employment requests.
- (4) Advise agency heads of employees who fail to comply with the provisions of this directive.

d. **The Secretary of Administration** shall:

- (1) Review all agency approvals of supplementary employment for employees in senior level positions and supplementary employment involving political activity.
- (2) Review those cases which cannot be resolved at the agency level to determine whether any conflicts of interest exist.

- (3) In conjunction with the General Counsel, direct that appropriate action is taken against employees who fail to comply with the provisions of this directive.
- (4) Conduct post audits of supplementary employment requests to ensure compliance with *Executive Order 1980-18, Code of Conduct* and this directive.

7. PROCEDURES.

a. Filing.

- (1) Any employee who works for compensation or remuneration in any capacity outside his or her commonwealth employment, except for military duty, any employee engaging in volunteer activities specified by the agency head and any employee engaging in political activity shall file Form STD-355 directly with the agency's human resources office within ten workdays of receiving the request form. A prospective employee shall file sufficiently in advance of commencing employment with the commonwealth to give the agency a reasonable period of time to receive and process the supplementary employment request.
- (2) Copies of Forms STD-355, STD-356, Supplementary Employment Agency Notification, and STD-357 sufficient to comply with the requirements of this directive, shall be maintained by the agency human resources office of each agency. Forms are available online at Commonwealth STD Forms.

b. Review.

- (1) Approval or disapproval of supplementary employment requests shall be reviewed by the agency head or designee. Employees shall be provided with agency notification of approval or disapproval within 15 workdays of the dates of receipt of their requests. In cases of agency disapprovals, employees shall be provided specific reasons for disapproval and advised of review procedures.
- (2) The agency head or designee shall be permitted to contact an employee's commonwealth supervisor and supplementary employment supervisor to determine if supplementary employment constitutes a conflict of interest.
- (3) Approval of supplementary employment requests for employees in senior level positions and supplementary employment requests involving political activity shall be forwarded to the Secretary of Administration for review within ten workdays of receipt from an agency.

- c. **Maintenance and Release of Information.** Supplementary employment requests and records of approval or disapproval given to those requests shall be maintained by agency heads or designees, in a locked confidential file separate from the employees' Official Personnel Files. The requests may be accessed only by agency heads or designees solely for purposes of investigating possible conflicts of interest or evaluating additional information concerning the supplementary employment.

d. Requests for Review.

- (1) An employee may, within ten workdays of receiving a final disapproval by the agency head or designee, seek review by the Secretary of Administration by submitting Form STD-357.

- (2) The concurrence of the Secretary of Administration with the disapproval by the agency of a request for supplementary employment shall not be reviewable except as provided by specific collective bargaining agreements.

e. Review of Supplementary Employment Disapprovals for Employees Covered by a Collective Bargaining Agreement. An employee covered by a collective bargaining agreement whose request for approval is denied may elect review of the denial by the Secretary of Administration as described above. Alternatively, employees covered by a collective bargaining agreement may elect to submit the issue directly to the fourth step of the standard grievance procedure or the Joint State Committee of the accelerated grievance procedure, as applicable, within 12 calendar days of receipt of final disapproval by the agency head or designee. Unresolved issues may be processed through to expedited arbitration.

This directive replaces, in its entirety, *Management Directive 515.18*, dated July 7, 1998.