

POLICY

SUBJECT: Outside and Secondary Employment
NUMBER: HR-418-18
APPLICABLE TO: All DJS Employees

APPROVED: _____ /s/ signature on original
Sam Abed, Secretary
DATE: _____ 8/2/18

I. POLICY

The Department of Juvenile Services (DJS) ensures that employees wishing to engage in secondary or outside employment do so with the proper internal authorizations and mindful that any such employment is subject to, among other things, the provisions of Maryland's Public Ethics Law as administered by the State Ethics Commission.

This policy applies to all employees within DJS and complements the Maryland Public Ethics Law. This policy has a broader application than the Ethics Law and includes contractual and temporary employees who may not be covered by that Law.

II. AUTHORITY

- A. Md. Code Ann., Human Services, §9-203, 9-204 and 9-207 (c).
- B. Md. Code Ann., General Provisions, §§ 5-501 to 5-504
- C. COMAR 17 04.03 15
- D. COMAR 19A.02.01
- E. Summary of Public Ethics Law Restrictions on Secondary or Outside Employment and Ownership of Financial Interests, August 29, 2017
- F. DJS Standards of Conduct and Disciplinary Process § II.G.
- G. American Correctional Association (ACA) Standard, 4- JCF-6D-01

III. DIRECTIVES/POLICIES RESCINDED

- A. None

IV. FAILURE TO COMPLY

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

VI. REVISION HISTORY

| DESCRIPTION OF REVISION | DATE OF REVISION |
|-------------------------|------------------|
| New policy issued. | 8/2/18 |
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PROCEDURES

SUBJECT: Outside and Secondary Employment

NUMBER: HR-418-18

APPLICABLE TO: All DJS Employees

APPROVED: _____ /s/ signature on original

Lynette Holmes, Deputy Secretary

DATE: _____ 8/1/18

I. PURPOSE

To provide guidelines for all DJS employees on how to seek and obtain authorization to engage in outside and secondary employment.

II. DEFINITIONS

Appointing Authority means an individual or a unit of government that has the power to make appointments. For purposes of this policy, appointing authority means the DJS Secretary or designee. Only the Secretary can terminate an employee.

Ethics means, in accordance with the State Ethics Law, the appropriate conduct in the performance of duties for both the primary and secondary employers, which will not place DJS in any possible or real conflict, questionable position, or subject DJS to any criticism that may result in disrepute.

Outside Employment means any employment with an entity other than a state agency for which a DJS employee performs certain duties and responsibilities and, in turn, receives some type of compensation. In addition, includes the following:

- compensated employment with a for-profit or non-profit entity;
- service as an elected official at the local level; and
- service on a for-profit or non-profit board or commission with or without compensation.

Primary Employer means the employer for whom the employee works at the time the request for outside or secondary employment is submitted, which usually encompasses the largest percentage of the employee's work time. For purposes of this policy, the primary employer is DJS.

Secondary Employment means employment with another state agency for which a DJS employee performs certain duties and responsibilities during approved leave, other than sick leave, or other nonscheduled DJS work time and, in turn, receives some type of

compensation. In addition, includes the following:

- compensated employment with local government or a federal agency;
- service on a state, federal, or local government board or commission with or without compensation.

III. PROCEDURES

A. General

1. DJS employees shall devote the hours of their designated work schedule to their respective positions and in no way employ themselves outside their official duties without the prior written consent of the Secretary or designee.
2. State officers or employees may not engage in outside employment, which may result in conflicts between the private interests of the officers or employees and their official duties and responsibilities or impair or could reasonably be expected to impair their impartiality and independence of judgement in the exercise of their official duties with their primary employer.
3. Teaching at a Maryland institution of higher education after the employee's designated work schedule is permitted subject to other provisions of this policy and procedure.
4. DJS employees shall not engage in outside employment in violation of the provisions or intent of the Public Ethics Law or regulation.
5. Subject to the approval of the State Ethics Commission, an honorarium or other form of remuneration is appropriate within this policy when:
 - a. the employee involved has received prior consent from the Secretary or designee; and
 - b. the employee involved has previously requested leave, other than sick leave, and received approval for such leave, if the outside or secondary employment is to be performed during the employee's normal DJS working hours.
6. Consistent with the State Ethics Law and regulations, the expenses related to services or appearances in connection with an employee's official duties and responsibilities within or outside of the State of Maryland may be borne by a public or private agency provided this does not result in any form of personal remuneration or economic gain for the employee involved.
7. The Office of Human Resources (OHR) will manage and track outside and secondary employment.
8. Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination.

B. Outside Employment for an Entity Other than the State of Maryland

1. Requests for outside employment require the approval of the employee's supervisor, their Director/Superintendent and the Secretary or designee and must meet the following criteria:
 - a. The employee shall not perform any duties for the outside employer except during periods of paid or unpaid DJS approved leave, other than sick leave, or nonscheduled work hours; and
 - b. Approved requests for leave must accompany the **DJS Request for Outside and Secondary Employment form (Appendix 1)** at the time it is submitted for approval, if applicable.

C. Secondary Employment within State Service

1. Prior to submitting the request for secondary employment to the Secretary or designee, the employee must obtain approval from his or her supervisor, the DJS appointing authority, and the appointing authority of the other state agency through the **DJS Request for Outside and Secondary Employment Form (Appendix 1)**.
2. A Maryland institution of higher education is a secondary employer. The following criteria must also be met:
 - a. Payment for hours worked for the secondary employer during the employee's DJS scheduled work hours is allowed only during periods of paid or unpaid leave, other than sick leave;
 - b. Time sheets for secondary employment must be completed and signed by the employee's supervisor and a copy of the time sheet must be submitted to employee's DJS supervisor to assure no conflict of work hours. The time sheet must show actual dates and hours of the time period worked and a total of the hours worked;
 - c. Approved requests for leave must accompany the relevant secondary time record verifying the employee is on paid leave if the duties performed for the secondary employer coincide with the employee's scheduled DJS work hours; and
 - d. Although employment with other state agencies is generally permissible under the State Ethics Law, employment by state agencies subject to DJS regulatory authority or by agencies, which are grantees or vendors to DJS, may be barred by the inconsistent employment provision of the law.

D. Requests and Approval for Outside or Secondary Employment

1. Employees shall submit a request for outside or secondary employment prior to the anticipated start date of the employment arrangements. Employees who are employed in a continuous capacity must submit a request annually at the beginning of the fiscal year.
2. Every request shall include a statement that the employee requesting approval has:
 - a. read this policy and that the outside or secondary employment is not in conflict with the policy's provisions or intent;

- b. affirmed the outside or secondary employment will not impede the performance of official duties and responsibilities;
 - c. estimated the approximate amount of time that will be required; and
 - d. received advice from the State Ethics Commission, if such advice was sought. A summary of the response or a copy of the written response from the State Ethics Commission should be attached to the Request for Outside and Secondary Employment. *Note: Advice from the Ethics Commission is not always necessary. If an employee is uncertain whether the considered outside or secondary employment would result in a conflict of interest or the appearance of a conflict of interest, he or she should consult the State Ethics Commission.*
3. Request shall be routed through the employee's immediate supervisor and the appointing authority. DJS employees shall not make any commitment to potential employers until approval is granted by the Secretary or designee.
 4. When the secondary employment work hours appear to conflict or overlap with the employee's DJS work hours, the employee shall submit a copy of a signed and approved time sheet from the secondary employer with the relevant DJS Timekeeping Record, along with a copy of the approved request for leave for the time in question.
 5. The Supervisor shall submit the completed and signed **DJS Request for Outside and Secondary Employment Form (Appendix 1)** and any supporting forms to OHR for permanent placement in the employee's official personnel record.
 6. OHR shall submit the forms to the Secretary or designee. Approval for outside and secondary employment must be given by the Secretary or designee.
 7. Any exceptions to this policy or procedure applicable to any DJS employee shall be permitted only in the most unusual circumstances, which are not precluded by the State Ethics law. Requests for exceptions should be directed to the Secretary or designee.

IV. **RESPONSIBILITY**

Administrators are responsible for implementation and compliance with this procedure within 30 days of issuance.

V. **INTERPRETATION**

The Deputy Secretary for Support Services shall be responsible for interpreting and granting any exceptions to these procedures.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. DIRECTIVES/POLICIES REFERENCED

No policies referenced.

VIII. MARYLAND STATUTE/REGULATIONS REFERENCED

Note: Copies of the statutes, regulations, and guidance governing outside and secondary employment listed below are attached to the policy.

- [Md. Code Ann., Human Services, § 9-207\(c\)](#)
- [Md. Code Ann., General Provisions, § 5-501](#)
- [Md. Code Ann., General Provisions, § 5-502](#)
- [Md. Code Ann., General Provisions, § 5-503](#)
- [Md. Code Ann., General Provisions, § 5-504](#)
- [COMAR 17.04.03.15](#)
- [COMAR 19A.02.01](#)
- [Summary of Public Ethics Law Restrictions on Secondary or Outside Employment and Ownership of Financial Interests, August 29, 2017](#)
- [DJS Standards of Conduct, Section II.G](#)

IX. APPENDICES

1. [Request for Outside and Secondary Employment Form](#)



DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

SUBJECT: Outside and Secondary Employment
NUMBER: HR-418-18
APPLICABLE TO: All DJS Employees

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

SEND THE ORIGINAL, SIGNED COPY TO THE DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.