

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Outside Employment	PAGE <u> 1 </u> OF <u> 3 </u> NUMBER: 31-SEM-10
RULE/CODE REFERENCE:	SUPERSEDES: 31-SEM-10 dated 10/14/14
RELATED ACA STANDARDS:	EFFECTIVE DATE: October 21, 2015
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish rules for the employees of the Ohio Department of Rehabilitation and Correction (hereinafter "DRC") governing outside employment.

III. APPLICABILITY

This policy applies to all exempt and bargaining unit employees of the DRC.

IV. DEFINITIONS

Conflict of Interests - Exists if financial interests or other opportunities for personal benefit may exert an improper influence on a DRC employee's professional judgment. See Chapter 102 and 2921 of the Ohio Revised Code. A conflict of interest may also exist if the outside employment conflicts or is incompatible with the employee's DRC job duties or DRC's mission.

Outside Employment - Any form of non-agency employment (including self-employment) or business relationship involving the provision of personal services either intermittent, part time or full-time, by an employee of DRC who receives a personal gain or profit. It does not include participating in the activities of a non-profit, charitable, religious, public service, or civic organization, unless activities are for compensation. Employees should be aware; however, that volunteer work with certain non-profit organizations could present an ethics violation or a conflict of interest.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to require an employee to obtain approval from his/her Appointing Authority prior to commencing any outside employment and to adhere to statutory requirements and DRC procedures in the course of working the outside employment.

VI. PROCEDURES

- A. An employee must obtain prior approval to work any outside employment by submitting an Outside Employment Request form (DRC3548) to his/her Appointing Authority and Regional Administrator, Bureau Chief and/or Managing Officer if applicable. An employee who has received approval to work outside employment but does not have a completed Outside Employment Request form (DRC3548) on file must submit one in accordance with the procedures set forth in this policy. Documentation supporting the prior approval shall be submitted along with form. An employee who fails to obtain prior approval to work outside employment may be subject to discipline.
- B. An employee seeking to work outside employment in any medical or behavioral health services position must have the request approved by the applicable DRC Bureau Chief or Managing Director/designee in addition to his/her Appointing Authority.
- C. An employee of the Division of Parole and Community Services (hereinafter "DPCS") seeking to work outside employment must have the request approved by his/her Regional Administrator or Bureau Chief in addition to the Appointing Authority/designee.
- D. The Appointing Authority shall review the "Outside Employment Request" according to the conditions stated below:
1. Outside employment shall not pose a conflict of interest or be incompatible with DRC employment or DRC's mission. Outside employment must comply with Chapter 102 and 2921 of the Ohio Revised Code.
 2. Outside employment shall not affect the employee's availability for shifts, assignments, official duties and other responsibilities with DRC.
 3. An employee may not perform outside employment job duties during the time they are assigned to perform their official duties for DRC.
 4. If outside employment constitutes ownership of income producing rental property, employee must follow all requirements contained in Department Policy 31-SEM-07, Unauthorized Relationships.
 5. An employee may not use any state equipment, supplies, computer software or computer systems, including DRC e-mail, to perform any outside employment duties.
 6. Employees working within the Parole Officer classification series may not work outside employment with any law enforcement agency where the outside employment with the law enforcement agency involves the possible exercise of arrest or other police powers.
- E. If the Appointing Authority has any concerns about the compatibility of the department position and the outside employment, the appointing authority shall immediately bring the matter to the attention of the agency's legal counsel who shall make the final determination.

- F. The Appointing Authority shall provide the employee with written approval or denial of the request.
- G. Employees wishing to appeal a denial of permission to work outside employment shall contact the Managing Director of Human Resources in writing within ten (10) calendar days of the decision. The Managing Director of Human Resources shall review submitted documentation and make a final decision within ten (10) calendar days of receipt of request.
- H. A copy of the Outside Employment Request form (DRC3548) shall be forwarded to the site personnel office and placed in employee's personnel file, regardless if authorization was approved or denied.
- I. It is the responsibility of the employee to notify his or her Appointing Authority of any changes of outside employment. Approval of outside employment shall remain valid only for the outside employment position, work duties and work schedule described in the request. Changes to any elements addressed in the request shall require completion of a new Outside Employment Request form (DRC3548).
- J. Approval of outside employment shall remain in effect until rescinded. DRC may rescind such approval at any time if the outside employment violates any of the conditions or procedures within this document.
- K. An employee shall not use sick leave, FMLA or other medical leave to work the outside employment. An employee may be permitted to use other available leave if approved by the applicable Appointing Authority and Managing Director or Bureau Chief/designee.
- L. If an employee changes positions within DRC, the employee must submit a new Outside Employment Request form DRC 3548 E for review and approval in accordance with the procedures set forth herein.

Related Department Forms:

Outside Employment Request DRC3548