

 <p style="text-align: center;">WEST VIRGINIA DIVISION OF JUVENILE SERVICES</p>		<u>POLICY NUMBER:</u> 	<u>PAGES:</u> <p style="text-align: center;">2</p>
<u>CHAPTER:</u> Administration and Management	<u>REFERENCE AND RELATED STANDARDS:</u> WV Code §§ 49-5-16a and 49-5E-1, et seq.; US Department of Labor-Wage and Hour Regulations		
<u>SUBJECT</u> Secondary Employment and Volunteer Activity			
<u>DATE:</u> October 1, 2010			

POLICY

This Policy is to establish procedures for Division of Juvenile Services' employees' requests for secondary employment or certain volunteer activities.

CANCELLATION

This policy has been reviewed and supersedes Policy 136.00 dated October 1, 2007.

APPLICABILITY

This Policy applies to all employees of the Division of Juvenile Services.

DEFINITIONS

Employee: Any person who lawfully occupies a position in an agency who is paid a wage or salary and who has not severed the employee-employer relationship.

PROCEDURES

1. Secondary employment must be approved by the Director of the Division.
2. Employee's Responsibility: The employee shall request an evaluation of the secondary employment and/or volunteer activity by completing Part I of the Division of Personnel's Request for Determination Regarding Secondary Employment or Volunteer Activity form by submitting it to the Facility Superintendent/Director (Attachment #1; also on website at <http://www.state.wv.us/admin/personnel/emprel/POLICIES/OtherEmp4.pdf>).
3. Superintendent's Responsibility: The Facility Superintendent/Director shall complete Part II of the Form and forward the request to the Division Central Office.

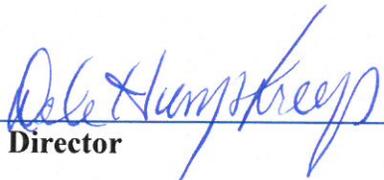
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4. Agency's Determination or Division Director's Responsibility: The Division Director will complete Part III, making a final determination as to whether the secondary employment or certain volunteer activity would conflict with the employee's primary State employment.
5. Secondary employment shall not have a detrimental impact on any employee's job performance or ability to respond to an emergency while off duty or on call.
6. Employees approved for seasonal employment are not required to resubmit paperwork as long as the employment is for the same position and employer as the previous year.
7. Each facility will have in place an operational policy and procedural plan to ensure the standards and practices of this policy are followed.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:


Director


Date

INSTRUCTIONS FOR COMPLETION OF REQUEST FOR DETERMINATION REGARDING SECONDARY EMPLOYMENT OR CERTAIN VOLUNTEER ACTIVITY

A written determination of no conflict from the primary employing agency's Appointing Authority must be obtained prior to the commencement of secondary employment/certain volunteer activity.

This request is for a determination regarding whether the secondary employment/volunteer activity described interferes or conflicts with, or has the appearance of a conflict with, the duties and responsibilities of your primary State employment.

THE FOLLOWING PROHIBITIONS APPLY TO ALL STATE EMPLOYEES ENGAGED IN SECONDARY EMPLOYMENT AND/OR CERTAIN VOLUNTEER ACTIVITY

1. Employees shall not provide for personal gain any information or services to affiliated governmental agencies and/or units related to the duties and responsibilities of their primary State position.
2. Employees shall not use State work time to perform work for the secondary employer or volunteer organization.
3. Employees shall not use State work time, supplies or equipment to perform work for the secondary employer or volunteer organization.
4. Employees shall not allow the duties of the secondary employment/volunteer activity to interfere with the assigned duties and responsibilities of the primary State employment.
5. If applicable, employees must respond to any on-call demands of the primary State employment, as directed by their supervisors during periods of secondary employment/volunteer activity.
6. Employees shall simultaneously inform the primary State employment immediate supervisor and the secondary employer or volunteer organization, if, at any time, there becomes a conflict between the two positions.
7. Employees shall not use the primary State employment to motivate or provide preferential treatment to any particular person involved with the secondary employment/volunteer activity because of services being rendered to their family members by the employees' primary State employer.
8. Employees shall terminate the secondary employment/volunteer activity at any time the employing State agency determines that the work performance at the primary State employment has become unsatisfactory or conflicts with the interests of the State employer.

TO THE EMPLOYEE:

1. Be sure to type or print all information on the form.
2. A separate request must be completed for each proposed secondary employment/volunteer activity.
3. If there is a change of duties in the secondary employment/volunteer activity, you **must** submit a new request for a determination as to whether the revised duties would conflict with your primary State employment.
4. In the description section of Part I, you must note if the secondary employment is dual employment with the State or whether the volunteer activity is for a State agency.
5. You must fully complete Part I and forward the request form to the appropriate primary employing agency representative.

TO THE EMPLOYER:

1. After evaluating the request, the Appointing Authority/immediate supervisor will complete Part II and forward the form to the Appointing Authority or designee for completion of Part III and final determination.
2. The appropriate primary employing agency office shall notify the employee and appropriate agency staff (Part IV) of the agency's final determination by forwarding a copy of the completed request form.
3. The original completed form shall be retained in the employee's agency personnel file, with a copy forwarded to the Division of Personnel.

This request is for (check one - a separate form is required for each employment or volunteer activity)

- SECONDARY EMPLOYMENT CERTAIN VOLUNTEER ACTIVITY

PART III – TO BE COMPLETED BY APPOINTING AUTHORITY/DESIGNEE:

STEP 1: WV ETHICS COMMISSION REVIEW IS WARRANTED - check all that apply:

- Employee will be advised that he/she must obtain a West Virginia Ethics Commission opinion, due to potential conflict with the Ethics Act as noted below:
 - Use of public office for private gain.
 - Association may result in prohibited interest in profits or benefits of State contracts.
 - May use confidential State information obtained in course of official duties.
 - May conflict with the agency's rate-making, application, or regulatory functions.
 - Constitutes employment by a entity regulated by the State agency.
 - Other: (Explain) _____
- Employee shall be advised that he/she must resubmit the original request to the employer representative with Ethics Opinion attached.

STEP 2: STATE PERSONNEL BOARD REVIEW IS WARRANTED - check all that apply:

- Appointing Authority or Designee must submit the original request and supporting documentation, including any Ethics Opinions, to the State Personnel Board for review and determination due to a potential employment conflict, as noted below:
 - Apparent conflict with the interests/mission of the State agency.
 - Potential interference with the performance of the employee's official State duties.
 - May use or appear to use proprietary information obtained through official State duties.
 - Secondary employment/volunteer activity may reasonably be regarded as official State action.
 - Other: (Explain) _____
- State Personnel Board Decision Received on _____ (Attached)

STEP 3: FINAL DECISION

- NO CONFLICT
- CONFLICT - provide detailed explanation below.
- CONFLICT - but secondary employment/activity will be permitted with the detailed limitations and/or restrictions stated below.

Appointing Authority/Designee Signature

Date Signed

PART IV – TO BE COMPLETED BY APPROPRIATE PRIMARY EMPLOYING AGENCY OFFICIAL:

MANDATORY NOTIFICATIONS BY AGENCY

- EMPLOYEE IMMEDIATE SUPERVISOR WV DIVISION OF PERSONNEL

Date Notifications Made: _____