

IPP.5003. Outside Employment

February 20, 2004 - Original

Click [HERE](#) to acknowledge that you have read, understand, and will comply with this policy.

I. PURPOSE/REASON:

- A. To require notification to ODJFS management when an employee is employed outside of the Agency. In addition, the policy provides the Agency's position compliance with federal, state, and local statutes by those that are self-employed or employ others in the course of outside employment.
- B. Acceptance of employment with ODJFS obligates an employee to give Agency job duties and scheduled hours priority over outside employment duties and hours. Employees may not accept or maintain any outside employment that would present a conflict of interest, interfere with regularly assigned Agency duties, or require the utilization of or derive benefit from state resources. Scheduled hours of outside employment cannot conflict in any manner with scheduled work hours at ODJFS.

II. REFERENCES/AUTHORITY:

A. REFERENCE

Note: ORC references can be accessed at LAWriter's Ohio Revised Code (<http://codes.ohio.gov/>) website.

1. Ohio Revised Code (ORC) 5101.02
2. ORC 102 et al
3. Ohio Administrative Code (OAC) 102 et al
4. [ODJFS-IPP 0003](#)
5. [ODJFS-IPP 2101](#)
6. ODJFS-IPP 4100
7. [ODJFS-IPP 10002](#)

B. AUTHORITY

1. This policy is established by order of the director, ODJFS, hereinafter referred to as *director*.
2. Per ORC 5101.02, all duties conferred on the various work units of the department by law or by order of the director shall be performed under such rules as the director prescribes and shall be under the director's control.

III. SUPERSEDES:

No current policy exists regarding this matter.

IV. SCOPE:

This policy applies to all ODJFS employees.

V. DEFINITIONS:

For the purposes of this policy, OUTSIDE EMPLOYMENT is defined as any form of non-Agency employment or business relationship involving the provision of personal services by the employee. It **does not** include participating in the activities of a nonprofit, charitable, religious, public service, or civic organization, unless such activities involve the provision of professional services or are for compensation.

NOTE: Employment with certain nonprofit organizations could present an ethics law violation or a conflict of interest in that many nonprofits receive contracts and grants from ODJFS and if the ODJFS

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employee is in a fiduciary role with or otherwise benefits from the nonprofit that does business with ODJFS, there could still be a conflict and ethics violation. (See section VI - E below.)

VI. Policy:

- A. The work of the Agency takes precedence over other occupational interests. No ODJFS employee shall accept or continue outside employment that in any manner conflicts with the employee's approved work schedule or duties at ODJFS. This includes conflicting work hours as well as outside employment that impairs the ODJFS employee's mental or physical capacity to perform ODJFS work duties. Any employee seeking or involved in outside employment shall notify ODJFS in writing of such outside employment. Assumption of outside employment by an employee without notification to the Agency may subject the employee to disciplinary action.
- B. An employee's work hours will not be changed to accommodate outside employment.
- C. It is the responsibility of every employee, employer, or self-employed individual to conform to Federal, State, and Local statutes. An ODJFS employee involved in outside employment is expected to conform so as not to bring discredit upon himself or herself or the Agency. Failure of an ODJFS employee to pay any fees or taxes required of an outside employment that are subject to direct control ODJFS may be in violation of [ODJFS-IPP 0003](#), Standards of Employee Conduct, and may face disciplinary action.
- D. An employee may not use state resources for purposes other than state business as defined in various ODJFS policies. These include but are not limited to: [ODJFS-IPP 2101](#) Payment Card Program; ODJFS-IPP 4100 Telephone Usage; and [ODJFS-IPP 10002](#) Computer and Information Systems Usage.
- E. No ODJFS employee will participate in any outside employment that presents a conflict of interest, raises the appearance of impropriety, or violates state ethics laws. Questions concern these areas shall be addressed to the ODJFS Office of Legal Services (LEGAL@jfs.ohio.gov) or the Ohio Ethics Commission (<http://www.ethics.ohio.gov>).

VII. PROCEDURES:

A. NOTIFICATION

- 1. An employee seeking or involved in outside employment shall notify ODJFS in writing of such outside employment by completing and submitting a JFS 01793 Notification of Outside Employment form (See Appendix B)
- 2. The JFS 01793 is then submitted to the employee's supervisor or manager for review and signature. It will then be submitted for final review and acknowledgement by the office's deputy director. In either case, if there are any ethical concerns or questions about the employment, the manager/ supervisor and/or the deputy director should contact the Office of Legal Services.
- 3. The supervisor/manager will maintain the original form and forward a copy of the signed form to the Bureau of Human Resources (BHR) to be maintained in the employee's personnel record.

B. CHANGES OF EMPLOYMENT

- 1. If there is a significant change in the outside employment status, the employee shall immediately notify the appropriate supervisor/manager.
- 2. The supervisor/manager will determine if a new Notification form is required.
- 3. In the case of termination of outside employment, the employee will notify management. Management will in turn notify BHR to remove Notification form from the personnel file.

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VIII. APPENDIXES:

A. SUBJECT MATTER EXPERT

Owning Entity	Address	Name (SME)	Phone/ Fax/ E-mail
Labor Relations	30 East Broad Street, 30th Floor, Columbus Ohio 43215	Labor Relations Staff	614-466-6514 614-752-6381 IPPM_STAFF@jfs.ohio.gov

B. JFS 01793 NOTIFICATION OF OUTSIDE EMPLOYMENT, [JFS 01793](#)