
MANAGEMENT DIRECTIVE

515.18 Amended
Number

COMMONWEALTH OF PENNSYLVANIA GOVERNOR'S OFFICE

Subject:

Supplementary Employment

By Direction Of:


Thomas G. Paese, Secretary of Administration

Date:

July 7, 1998

This directive delegates authority for supplementary employment, eliminates the requirement for approval of most volunteer activities, and establishes responsibilities and procedures for implementing uniform policy on supplementary employment, in accordance with the *Governor's Code of Conduct*.

1. PURPOSE. To identify responsibilities and establish procedures for implementing the supplementary employment provisions of the *Code of Conduct, Executive Order 1980-18 (4 Pa. Code §7.156)*.

- 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 the *Code of Conduct*.

3. POLICY.

- **a.** All full-time 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.

Distribution: B

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. Agency Heads may
- establish policies, consistent with this directive, to
- require approval of certain volunteer activities where
- the Agency Head believes that the activity may
- present a conflict of interest with the employee's
- regular job duties or the mission of the agency.

f. Approval of the Secretary of Administration is required for the following:

- (1) Supplementary employment for all 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.

4. RESPONSIBILITIES.

a. **Heads of Agencies** 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 Personnel Officers** shall:

(1) Provide Form STD-355, Supplementary Employment Request, to employees required to file and, where necessary, Form STD-357, Supplementary Employment Request for Review.

(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 be 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 the *Code of Conduct* and this directive. •

5. PROCEDURES.

a. **Filing.**

(1) Any full-time 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 Personnel Officer within 10 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 Personnel Officer of each agency. Forms can be obtained through supply channels.

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 employees' supervisors in either employment situation 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 10 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 designated officials, in a locked confidential file separate from the employees' Official Personnel History files. The requests may be accessed only by Agency Heads or designated officials 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 10 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 agreement.

e. Review of Supplementary Employment Requests for contract-covered employees.

A contract-covered employee whose request for approval is denied may elect review of the denial by the Secretary of Administration or may 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. An employee who elects and receives an unfavorable administrative decision may, within 12 days of its receipt, submit the issue to the fourth step/Joint State Committee. Unresolved issues may be processed through to expedited arbitration.

This directive supersedes Management Directive 515.18 dated August 31, 1984.