

# YOUTH SERVICES POLICY

<b>Title:</b> Outside Employment, Second Jobs <b>Next Annual Review Date:</b> 01/30/2018	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.3
<b>Page</b> 1 of 3	
<b>References:</b> La. R.S. 42:61 through 66; La. R.S. 42:1101 through 1123; ACA Standards 2-CO-1C-01 and 2-CO-1C-24 (Administration of Correctional Agencies); 2-7040 (Juvenile Probation and Aftercare Services); YS Policy Nos. A.2.1 "Employee Manual", Attachment (b) "Employee Rules of Conduct", A.2.38 "Ethics for Public Employees: Nepotism, Prohibited Contractual Relations, Gifts, Ethics Opinions"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>James Bueche, Ph.D., Deputy Secretary</i>	<b>Date of Approval:</b> 01/30/2017

## I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish policy for the review and approval of employees' outside employment/second jobs, and receipt of compensation related to outside employment other than employment with YS.

## III. APPLICABILITY:

All employees of YS.

## IV. DEFINITIONS:

**Employee** - For purposes of this policy, any individual employed full time in a classified or unclassified position.

**New Hire** - A person who has successfully passed the required test(s) if any, and/or meets the Department of State Civil Service (DSCS) minimum qualifications for the job, and who has been offered the position sought.

**Unit Head** – For purposes of this policy, Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Facility Directors, and Regional Managers.

**V. POLICY:**

It is the Deputy Secretary's policy that employment with YS shall be each employee's primary employment, and compensation received from other sources for services should not create a scheduling conflict, nor reflect a conflict of interest with the agency's mission or Louisiana law. All outside employment must be reported and approved as outlined in this policy.

**VI. PROCEDURES:**

- A. When a new hire candidate or employee proposes to, or does in fact, work an outside/second job, there are four (4) competing concerns that must be addressed.
1. First, the outside employment must not pose a scheduling conflict or otherwise interfere with the employee's duty schedule as determined by the Unit Head.
  2. Second, there must be no conflict of interest under the Louisiana Code of Ethics (Refer to YS Policy No. A.2.38), meaning the outside employment cannot be performed for a person or entity that has or is seeking a contract with YS.
  3. Third, any outside employment that is a public position must comply with the restrictions on dual office-holding found in the Louisiana Constitution.
  4. Fourth, the outside employment shall not conflict with the mission of the agency and the functions of the primary employment. Whether a conflict is created shall be the decision of the Unit Head, in consultation with Legal Services.
- B. A request for outside/second employment must be reviewed by the Unit Head in consultation with the Legal Services. Once a request is received, Legal Services shall ensure that the proposed second employer is not prohibited from employing the person under the Louisiana Code of Ethics. Legal Services shall also ensure that the position sought does not violate the restrictions on dual office-holding found in the Louisiana Constitution.

Where appropriate, the Louisiana Board of Ethics and the Attorney General for the state of Louisiana may be consulted.

- C. No new hire or employee may work in outside/second employment without the written approval of the Unit Head and Legal Services. New hires must disclose the proposed other employment so it can be evaluated prior to beginning employment with YS.

## YS Policy No. A.2.3

### Page 3

- D. All new hires for employment shall complete a "Report of Actual / Planned Other Employment and Compensation" form [see Attachment A.2.3 (a)] prior to beginning employment. The form must be reviewed and approved in writing by the Unit Head and Legal Services.
- E. Any current YS employee seeking an outside/second job, or when an employee's previously approved outside employment conditions change, a new "Report of Actual/Planned Other Employment and Compensation" form must be completed.

Prior to any employee beginning the outside employment, the form must be reviewed and approved in writing by the Unit Head and Legal Services.

- F. All "Report of Actual/Planned Other Employment and Compensation" forms shall be maintained in the employee's official personnel record at Department of Public Safety, Human Resources (DPS/HR).
- G. Any employee who has been approved to take leave under the "Family and Medical Leave Act of 1993" (FMLA), who then applies under this provision for outside/second employment, shall not be approved to work in an outside/second employment.

Further, any employee who represents total incapacitation or total inability to work because of any condition that forms the basis of the FMLA entitlement, and who does in fact work in an outside/second employment while on FMLA leave, shall be considered to have violated this provision.

In the event such a discovery is made, the matter shall be referred to Investigative Services to be investigated for potential violations of Employee Rule of Conduct 6.n. - Malfeasance: Untruthfulness.

Any violation of this policy shall subject the employee to discipline.

- H. The provisions of this policy shall not apply to pensions, receipt of interest from stocks, bonds, or certificates of deposit, etc.

## VII. STAFF DEVELOPMENT:

All YS employees shall receive annual in-service training on the contents of this policy, which shall be documented in TREC.

**Previous Regulation/Policy Number:** A.2.3

**Previous Effective Date:** 09/24/2013

**Attachments/References:**

Attachment (a) - Report of Actual / Planned Other Employment and Compensation