

DATE: January 26, 2017

SUBJECT: Revised Commission Policy- Outside Employment

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: A review of Commission policies and procedures indicated the need to update the Commission policy on outside employment for THEC staff.

Policy HR1.0 on Outside Employment recognizes that full-time employment with the Commission demands an individual's full-time commitment, professional expertise, and attention to assigned responsibilities. The policy provides notice to staff that holding an appointment to a full-time position with the Commission constitutes acknowledgement of these requirements, and that the position shall be the employee's primary occupation.

The policy is necessary to ensure that an employee's outside employment does not conflict with the duties of their employment at the Commission.

The proposed policy is attached for review, discussion, and action at the January 26, 2017 meeting. Once approved, the policy will be distributed to each THEC employee. This policy clearly states the expectations of each employee as they perform their official duties on behalf of the Commission.

Section Title: Human Resources

Policy Title: Outside Employment

Policy Number: HR1.0

- 1.0.01 PURPOSE: This policy addresses the outside employment activities of Commission employees to ensure that outside employment does not conflict with their employment duties at the Commission.
- 1.0.02 APPLICATION: This policy applies to all full time employees of the Tennessee Higher Education Commission.
- 1.0.03 DEFINITIONS: Outside employment is defined as the engagement in any line of business or the performance of any type of work or service for any person or entity other than that required by the employee's official position with the Tennessee Higher Education Commission. This is limited to outside employment performed for the purpose of obtaining wages, salary, fee, gift, or other compensation. Such outside employment also includes active participation in a business, including being an owner, part-owner, partner, corporate officer, or serving in a policy-making position for such business.
- 1.0.04 POLICY: As a condition of employment, all full time Commission employees shall abide by this policy. Any violation of this policy will result in corrective action, up to and including termination, at the discretion of the Executive Director.
- 1.0.04A Full-time employment with the Commission demands an individual's full-time commitment, professional expertise, and attention to assigned responsibilities. Holding an appointment to a full-time position with the Commission constitutes acknowledgement of these requirements, and that the position shall be the employee's primary occupation. It is further understood that fulfillment of official duties for the Commission may require working beyond the regular work day or work week, and in such situations the work of the Commission shall take priority over any outside employment opportunity.
- 1.0.04B Employees shall not engage in any outside employment that may affect the employee's ability to fulfill his or her official duties with the Commission. Additionally, full time employment with the Commission shall, at a minimum, require adherence to the State of Tennessee's standard work schedule and attendance consistent with the employee's job duties, with allowances for sick and annual leave. An employee's regular work schedule will generally consist of an uninterrupted 7.5 hour work day plus a lunch break.
- 1.0.04C As a guide to determine the appropriateness of outside employment, consideration shall be given as to whether the outside employment will:

1. Result in a conflict of interest, or an apparent conflict of interest, with the employee's official duties and responsibilities or with regular Commission operations;
2. Interfere with the employee's efficient performance of official duties, work schedule, and responsibilities at the Commission;
3. Bring discredit to the Commission or cause unfavorable or justifiable criticism of the Commission;
4. Be performed entirely outside of the Commission offices, and with priority placed on normal working assignments and responsibilities;
5. Require only a reasonable time commitment from the employee; and,
6. Be undertaken with an inappropriate claim that the individual is officially representing the Commission in connection with the employment.

1.0.04D Outside employment should not conflict with an employee's regular work schedule, and employees are required to work a standard, uninterrupted 7.5 hour work day. The Commission acknowledges there may be rare, isolated instances when outside employment conflicts with regular work schedules. Any outside employment commitment that conflicts with regular working hours must be formally approved in advance, in writing, by the Executive Director. Such approval shall include a written plan as to how the employee will work 37.5 hours in any week in which the outside employment conflicts with the regular work schedule, with additional assurance that the employee's work product and responsibilities will not be compromised. A copy of the approved plan shall be placed in the official personnel file of the employee. After the required approvals have been issued, if the employee is unable to fulfill the required 37.5 work hours in any week due to outside employment activities, annual leave must be utilized for the shortfall, documentation of which must be provided to the Executive Director.

1.0.05A PROCEDURE: Commission employees with outside employment obligations that are limited to hours beyond the standard work day, on weekends and/or state holidays, will not be required to notify or seek approval for such employment as long as the outside employment does not conflict with this policy.

1.0.05B Commission employees with outside employment obligations that involve higher education, consulting, or as a business owner, part-owner, partner, corporate officer, or in a policy making position, and their involvement is limited to hours beyond the standard work day, on weekends and/or state holidays, shall disclose the outside employment obligation in writing to their immediate supervisor, and a copy shall be filed with the Executive Director and placed in the employee's official personnel file.

- 1.0.05C Commission employees wishing to engage in outside employment with other agencies, departments, or institutions of state government, shall first obtain the approval of the Executive Director and will be subject to prior approval of the President, Director, or appropriate representative of the other agency, department, or institution. Such services to another state agency or institution of higher education shall be paid by the contracting agency to the Commission in accordance with a dual services agreement.
- 1.0.06 It shall be the duty of the employee to provide notice and/or seek approval in writing on a timely basis as required by this policy.

Approved: July 27, 2006
Revised: January 26, 2017