

SUPPLEMENTARY EMPLOYMENT

17.01 PURPOSE

This regulation establishes procedures and guidelines governing the supplementary employment activities of Department personnel, and shall be an aid to those who wish to engage in supplementary employment. It also provides procedures for dual employment, whereby Department personnel might be authorized to hold two Commonwealth positions simultaneously.

17.02 DEFINITIONS

The following terms are defined as they are to be applied in the context of this regulation. There is no intent to have these definitions apply generally to other Administrative Regulations or in any other context than as specified here.

- A. **Supplementary Employment:** Employment, in addition to regular full-time employment with the Department, for which any payments, compensation, or consideration of any nature is received for services rendered or to be rendered, regardless of whether services are performed within or outside the Commonwealth. Such payments, compensation, or consideration include, but are not limited to, offices, directorships, salaried employment, self-employment, consultant fees, employment of short duration (i.e., teaching of college courses), and any honoraria (i.e., travel and related expenses).
- B. **Dual Employment:** The hiring of an individual already on a payroll or on contract with the Commonwealth, whether in a different agency or in a different position within the same agency. To be considered dual employment, both positions must be in agencies under the Governor's jurisdiction.
- C. **Approval:** Authorization to accept supplementary employment based upon favorable resolution of a member's/employee's request by the Chief Counsel's Office, the Deputy Commissioner of Administration and Professional Responsibility, and the Governor's Office of Administration.

- D. Adverse Interest: Engaging directly or indirectly in any business transaction or private arrangement for profit which accrues from or is based upon the individual's official position or authority with the Department. Also, participating in the negotiation of or decision to award contracts; the settlement of any claims or charges in any contracts; the making of loans; the granting of subsidies; the fixing of rates; or the issuance of permits, certificates, guarantees, or other things of value to, with, or for any entity in which the individual has a financial interest.
- E. Conflict of Interest: Representing or acting as an agent for any private interest, whether for compensation or not, in any transaction in which the Commonwealth has a direct and substantial interest, and which could be reasonably expected to result in a conflict between a private interest of the individual and his/her official Commonwealth responsibility.
- F. Demean: To lower, debase, or affect adversely the professional image of the Department.
- G. **Limitations:** Specific conditions applied to approved supplementary or dual employment, which if violated, will result in the approval being rescinded.

17.03 GENERAL PROVISIONS

- A. Supplementary Employment:
 - 1. All personnel who work in any capacity outside of their Commonwealth employment, except for military duty, are required to file a Supplementary Employment Request, Form STD-355 (Appendage A).
 - 2. Supplementary employment is considered secondary to an individual's employment with the Department; any resulting conflicts shall be resolved in favor of the Department/Commonwealth.
 - 3. Commencing supplementary employment before receiving approval, or continuing supplementary employment after receiving notice that such supplementary employment has been rescinded, shall constitute grounds for disciplinary action.

4. Unless otherwise provided by specific contractual agreement, the Governor's Office of Administration has final authority for resolving all conflict of interest disputes relative to supplementary employment.
5. Personnel may engage in supplementary employment provided that:
 - a. Prior approval is obtained before engaging in the supplementary employment.
 - b. The scope of employment does not demean the image of the Pennsylvania State Police. Supplementary employment which would be in violation of any law, the Governor's Code of Conduct, or any other Commonwealth or Department rule or regulation is considered demeaning to the image of the Pennsylvania State Police.
 - c. There is no conflict of interest and/or adverse interest. Each request will be reviewed by the Chief Counsel's Office to determine whether any conflict of interest and/or adverse interest exists. Personnel should consider the propriety of the supplementary employment before submitting a request.
 - (1) Members shall be guided by the FR Manual in addition to the applicable provisions of this regulation when considering the propriety of contemplated supplementary employment.
 - (2) An employee's request to serve as a magistrate, constable, deputy sheriff, or in any law enforcement capacity will be reviewed on a case-by-case basis, taking into account the nature of the work performed for the Department and the potential for security risks or conflicts of interest.
 - (3) An employee's request to hold office in, or be employed by an organization or establishment which dispenses alcoholic

beverages will be reviewed on a case-by-case basis, taking into account the nature of the work performed for the Department.

- d. There is no other conflict with the individual's primary Department-related job duties.
 - e. The total amount of supplementary employment does not interfere with the individual's ability to perform their regularly scheduled Department-related job duties properly.
6. Limitations:
- a. When working for a secondary employer or when self-employed, the nature of the work activities shall not involve any other Commonwealth of Pennsylvania state government agency or organization, except when "dual employment" has been approved in accordance with this regulation.
 - b. Members shall not be permitted to serve as magistrates, constables, deputy sheriffs, other law enforcement officers, or in a security guard-related capacity where investigative, arrest, or prosecutive action could result from the member's participation in supplementary employment.
 - c. Members shall not own, hold office in, or be employed by an organization or establishment which dispenses alcoholic beverages (refer to FR 1-1, Section 1.15, Holding Office in Liquor Establishment).
 - d. Personnel shall not seek or accept supplementary employment with persons or firms with known criminal reputations.
 - e. Confidential and/or restricted information or data obtained or derived from Commonwealth employment cannot be used to further private business interests.
 - f. Solicitations for work connected to supplementary employment cannot be made during working hours with the Department, at Department

facilities, or through the Commonwealth Enterprise Network.

- g. Commonwealth property cannot be used during the course of supplementary employment activities.
- h. Personnel shall not devote more than four hours to supplementary employment immediately prior to a regularly scheduled work period of 7.5 or 8.0 hours.
- i. Supplementary employment that will be pursued on a recurring basis, in conflict with the regularly scheduled duties of the individual's primary employment with the Department, will not normally be approved.
 - (1) Annual and Personal leave should not be utilized on a recurring basis to relieve an individual from their Department assignments in order to engage in supplementary employment.
 - (2) However, if the supplementary employment is "temporary" or of "short duration," Annual and/or Personal leave may be granted at the discretion of the individual's Troop Commander or Bureau/Office Director.
- j. Personnel shall not engage directly or indirectly in any business transactions or private arrangements for profit which accrues from or is based upon his or her official position or authority with the Department.
- k. Personnel shall not participate in the negotiation of or decision to award contracts; the settlement of any claims or charges in any contracts; the making of loans; the granting of subsidies; the fixing of rates; or the issuance of permits, certificates, guarantees, or other things of value to, with, or for any entity in which he/she has a financial interest.

- I. Personnel shall not represent or act as an agent for any private interest, whether for compensation or not, in any transaction in which the Commonwealth has a direct and substantial interest, and which would be reasonably expected to result in a conflict between a private interest of the member/employee and their official Commonwealth responsibility.
7. Suspension/leave without pay:
 - a. A member who is suspended without pay may submit a Supplementary Employment Request directly to the Director, Bureau of Human Resources, by the most expedient means available (e.g., email, fax, express mail). The member will then be notified of the approval or disapproval within three working days of the Department's receipt of any such request.
 - b. The Department's response shall also be sent to the Pennsylvania State Troopers Association (PSTA) by the most expedient means available. If the Department fails to provide the response to the PSTA within three working days, the member's request shall be considered approved.
- B. Dual Employment:
 1. Within the Department: Such arrangements shall be coordinated by the Bureau of Human Resources in accordance with Commonwealth Management Directive 525.11, Dual Employment.
 2. With another state agency:
 - a. Personnel shall receive prior approval from the Bureau of Human Resources before engaging in dual employment with another state agency.
 - b. The position in the other agency is considered secondary to an individual's employment with the Department; any resulting conflicts shall be resolved in favor of the Department.

- c. The secondary state agency must submit a Request for Dual Employment, Form STD-338, to the Department's Bureau of Human Resources.
3. Due to the unusual and complex nature of dual employment, it is advisable to contact the Bureau of Human Resources before pursuing any dual employment arrangements.

17.04 SUPPLEMENTARY EMPLOYMENT REQUEST PROCESS

A. General:

1. Supplementary Employment Requests, including endorsements by the chain of command, may be considered public documents under the Pennsylvania Right to Know Act.
2. Supplementary Employment Requests shall be processed as quickly as possible at all levels.
3. Supplementary Employment Requests submitted by members are subject to the contractual provisions of Article 33, Section 2, which requires a response to the request within 30 days. If a response is not provided within 30 days, the request shall be deemed to be granted.

B. Personnel:

1. Personnel who desire to work in any capacity outside of and in addition to their Department employment, except for military duty, are required to file a Supplementary Employment Request. The [Supplementary Employment Request Form](#) is available on the PSPiNet, Personnel Center, PSP HR Document Library, under the Supplementary Employment link. Personnel shall submit the completed Supplementary Employment Request, through channels, to their Station/Section Commander or Division Director for endorsement. To allow adequate time for processing Supplementary Employment Requests, personnel are encouraged to submit their requests at least 30 days prior to the desired start date of the supplementary employment.

2. A separate Supplementary Employment Request shall be completed, routed, and signed for each supplementary employment being sought, even when requested simultaneously.
3. Incomplete or inaccurate Supplementary Employment Requests will be returned to the requester for correction(s) and will cause a delay in processing.

C. Station/Section Commanders and Division Directors:

1. Station/Section Commanders and Division Directors shall, without delay, review each Supplementary Employment Request and recommend approval or disapproval.
2. Endorsements, comments, and/or suggested **limitations** should be kept brief and inserted on the reverse side of the Supplementary Employment Request. A routing slip or other appropriate correspondence may also be used for this purpose.
3. The Supplementary Employment Request and any attachments shall then be forwarded to the Troop Commander or Bureau/Office Director.

D. Troop Commanders and Bureau/Office Directors:

1. Troop Commanders and Bureau/Office Directors shall, without delay, review each Supplementary Employment Request and recommend approval or disapproval.
2. Endorsements, comments, and/or suggested **limitations** should be kept brief and inserted on the reverse side of the Supplementary Employment Request. A routing slip or other cover correspondence may also be used for this purpose.
3. Whenever possible, Supplementary Employment Requests and any attachments shall be scanned and emailed to the Human Resource Management Division, Bureau of Human Resources, at ra-splaborrelations@pa.gov. If sent by fax or mail, a copy of the Supplementary Employment Request and

attachments shall be directed to the Human Resource Management Division, Bureau of Human Resources.

4. The original of each submitted Supplementary Employment Request and attachment(s) shall be retained by the applicable Troop/Bureau/Office in accordance with this regulation.

17.05 APPROVED SUPPLEMENTARY EMPLOYMENT REQUESTS

- A. Approvals for supplementary employment shall be issued by the Deputy Commissioner of Administration and Professional Responsibility and the Governor's Office of Administration.
- B. Personnel shall be notified of approval on the appropriate Supplementary Employment Request Department Notification form.
 1. The Supplementary Employment Request Department Notification to Members, Form SP 3-370 (Appendage B), shall be used for members.
 2. The Supplementary Employment Request Department Notification to Civilian Personnel, Form SP 3-371 (Appendage C), shall be used for employees.
- C. Change of Duties: An individual must submit a new Supplementary Employment Request whenever there is a substantial change in their duties, hours, etc., either with their supplementary employment or Department position.
- D. Approved Supplementary Employment Terminated: Within 30 calendar days of terminating previously approved supplementary employment, personnel shall notify the Director, Bureau of Human Resources, through channels, via Department Correspondence, Form SP 3-201, of such termination.

17.06 DISAPPROVED SUPPLEMENTARY EMPLOYMENT REQUESTS OR RESCINDED APPROVALS

- A. Approval Rescinded: Approval of supplementary employment may be rescinded by action of the Deputy Commissioner of Administration and Professional Responsibility or the

Governor's Office of Administration when it has been determined that the member/employee has violated the Governor's Code of Conduct or the provisions of this regulation.

B. Members' Notification of Disapproval or Rescinded Approval:

1. If a member's request for supplementary employment is disapproved or approval is rescinded, he/she will receive notification via correspondence from the Director, Bureau of Human Resources. A copy of the Supplementary Employment Request; the Code of Conduct Supplementary Employment Request for Review, Form STD-357 (Appendage D); and the Supplementary Employment Request Department Notification to Members shall be attached to the correspondence.
2. Within three days of receipt of such notification, the member shall complete Section 3—Member Response and Appeal Procedures, on the Supplementary Employment Request Department Notification to Members form; sign and date the form; and return it, through channels, to the Director, Bureau of Human Resources. The member may retain a copy for informational purposes.
3. If the member chooses to accept or continue to engage in the supplementary employment despite the disapproval or rescinded approval, it will be necessary for the member to submit a letter of resignation/retirement from the Department and terminate his/her employment with the Pennsylvania State Police in accordance with the provisions of AR 4-1, Employment and Separations.

C. Members' Appeal Procedures: A member may request a review by the Governor's Office of Administration or may file an appeal through the PSTA contractual grievance procedure; however, a member is prohibited from filing both ways.

NOTE: A member shall not engage in the supplementary employment in question pending the outcome of the selected appeal procedure.

1. Review by the Governor's Office of Administration: A member has the right to request a review by the Governor's Office of Administration by filing the Code of

Conduct Supplementary Employment Request for Review form within ten working days of the member's receipt of the disapproval or rescinded approval. The instructions provided on the Code of Conduct Supplementary Employment Request for Review form should be carefully followed. The member is directly responsible for submission of the Code of Conduct Supplementary Employment Request for Review form, including any attachments, to the Governor's Office of Administration.

2. PSTA Contractual Grievance Procedure: A member may submit a grievance at Step 1, in accordance with the provisions of Article 28 of the PSTA Collective Bargaining Agreement.

D. Employees' Notification of Disapproval or Rescinded Approval:

1. If an employee's request for supplementary employment is disapproved or approval is rescinded, he/she will receive notification via correspondence from the Director, Bureau of Human Resources. A copy of the Supplementary Employment Request, the Supplementary Employment Request Department Notification to Civilian Personnel, and the Code of Conduct Supplementary Employment Request for Review shall be attached to the correspondence.
2. Within three days of receipt of such notification, the employee shall complete Section 2—Employee Response, on the Supplementary Employment Request Department Notification to Civilian Personnel form; sign and date the form; and return it, through channels, to the Director, Bureau of Human Resources. The employee may retain a copy for informational purposes.
3. If the employee chooses to accept or continue to engage in the supplementary employment despite the disapproval or rescinded approval, it will be necessary for the employee to submit a letter of resignation/retirement from the Department and terminate his/her employment with the Pennsylvania State Police in accordance with the provisions of AR 4-1.

- E. Employees' Appeal Procedures: An employee covered by the AFSCME contract may request a review by the Governor's Office of Administration or may file an appeal through the AFSCME contractual grievance procedure; however, an AFSCME-covered employee is prohibited from filing both ways. All other employees may only request a review by the Governor's Office of Administration.

NOTE: An employee shall not engage in the supplementary employment in question pending the outcome of the selected appeal procedure.

1. Review by the Governor's Office of Administration: An employee has the right to request a review by the Governor's Office of Administration by filing the Code of Conduct Supplementary Employment Request for Review form within ten working days of the employee's receipt of the disapproval or rescinded approval. The instructions provided on the Code of Conduct Supplementary Employment Request for Review form should be carefully followed. The employee is directly responsible for submission of the Code of Conduct Supplementary Employment Request for Review form, including any attachments, to the Governor's Office of Administration.
2. AFSCME Contractual Grievance Procedure: An employee covered by the AFSCME contract may submit a grievance under the Accelerated Grievance Procedure, Article 38. An employee must file the grievance to Step 1 within 15 working days of receipt of the disapproval or rescinded approval.

17.07 SUPPLEMENTARY EMPLOYMENT FILES

- A. All information held by Troops/Bureaus/Offices concerning an individual's supplementary employment shall be maintained in a locked, confidential file or secured e-file. The information may be accessed only by official designees of the Commissioner, and solely for the purpose of investigating possible conflicts of interest or evaluating additional information concerning the supplementary employment.
- B. All information held by the Bureau of Human Resources concerning an individual's supplementary employment shall

be maintained in a locked, confidential file or secured e-file and separated from the individual's official personnel file. The information may be accessed only by official designees of the Commissioner, and solely for the purpose of investigating possible conflicts of interest or evaluating additional information concerning the supplementary employment.

- C. Approved Supplementary Employment Requests and any attachments shall be retained for the duration of the supplementary employment. When the supplementary employment is discontinued by the individual, or upon the individual's separation from the Department, the paper version of the Supplementary Employment Request and any attachments shall be shredded, and associated e-files shall be permanently deleted.
- D. Denied Supplementary Employment Requests and any attachments shall be retained for the duration of the requester's employment with the Department. Upon the individual's separation, the paper version of the Supplementary Employment Request and any attachments shall be shredded, and associated e-files shall be permanently deleted.