

## SUPPLEMENTARY EMPLOYMENT

### 17.01 PURPOSE

This regulation establishes procedures and guidelines governing the supplementary employment activities of Department personnel **in accordance with Executive Order 1980-18, Code of Conduct, and Management Directive 515.18. Furthermore, this regulation** 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 POLICY

- A. Personnel who work **for compensation or remuneration** in any capacity outside of their commonwealth employment, except for military duty, are required to **submit** a Supplementary Employment Request. **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. 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.
- C. Commencing supplementary employment before receiving approval or continuing supplementary employment after receiving notice that such supplementary employment has been

disapproved or rescinded, shall constitute grounds for disciplinary action.

## **17.04** GENERAL PROVISIONS

### A. Supplementary Employment:

1. 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.
2. 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.
3. Limitations:
- a. 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.
  - b. 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).
  - c. **Members shall not own, hold office in, have a financial interest in, or be employed by an organization, business, or establishment which grows/processes, produces, and/or dispenses medical marijuana, as defined by Act 16 of 2016, the Medical Marijuana Act, or is otherwise involved in the medical marijuana industry (refer to FR 1-1, Section 1.16, Holding Office or Caregiver Status in Medical Marijuana Industry).**

- 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.** 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. 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.

## 17.05 SUPPLEMENTARY EMPLOYMENT PROCEDURES

### A. Submission:

1. Personnel who desire to engage in supplementary employment shall submit a Supplementary Employment Request via the [Employee Resource Center](#).
2. A separate Supplementary Employment Request shall be completed 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.
4. A member who is suspended without pay may submit a Supplementary Employment Request directly to the **Human Resources Manager, Public Safety Human Resource Delivery Center (PSHRDC)**, by the most expedient means available (e.g., email, fax, express mail). The member will then be notified of the approval or disapproval within **14 calendar** days of the Department's receipt of any such request.

**NOTE:** 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 **the time limitations**, the member's request shall be considered approved.

5. 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.

**B. Review:**

- 1. All Supplementary Employment Requests shall be reviewed by the Human Resource Service Center, PSHRDC; Deputy Commissioner of Administration and Professional Responsibility; and the Office of Chief Counsel.**

**NOTE: The PSHRDC shall forward Supplementary Employment Requests for employees in senior level positions and Supplementary Employment Requests involving political activity to the Secretary of Administration for review within 10 workdays of receipt from an agency.**

- 2. The PSHRDC shall be permitted to contact personnel's Troop Commander or Bureau/Office Director to determine if the supplementary employment constitutes a conflict of interest.**

**C. Determinations:**

- 1. All final determinations (i.e., approvals, disapprovals) for supplementary employment shall be issued by the Human Resource Service Center.**

- 2. 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.**

- 3. 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.**

**4. Notification of Disapproval:**

- a. If a request for supplementary employment is disapproved, personnel will receive notification via correspondence from the**

**Human Resource Service Center. A copy of the Supplementary Employment Request shall be attached to the correspondence.**

- b. Within 10 working days of receipt of such notification, personnel shall respond conveying their decision to not accept the requested supplementary employment; to accept the requested supplementary employment and terminate their employment from the Department; or to request a review of the disapproval decision.**
- c. If personnel choose to accept or continue to engage in the supplementary employment despite the disapproval, it will be necessary 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.**

**5. Notification of Rescinded Approval:**

- a. If a previous approval of supplemental employment is rescinded, personnel will receive notification via correspondence from the Human Resource Service Center. A copy of the Supplementary Employment Request shall be attached to the correspondence.**
- b. Within 10 working days of receipt of such notification, personnel shall respond conveying whether they accept the supplementary employment decision; intend to continue the rescinded supplementary employment and will terminate their employment from the Department; or to request a review of the rescinded approval.**
- c. If personnel choose to accept or continue to engage in the supplementary employment despite the rescinded approval, it will be necessary 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.**



**D. Request for Review/Appeal Procedures:**

1. Members: 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.

- a. 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 10 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.

- b. 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.

2. Employees: An employee covered by a **Collective Bargaining Agreement or Memorandum of Understanding** may request a review by the Governor's Office of Administration or may file an appeal through **their applicable** grievance procedure; however, **union-covered employees are** 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.

- a. 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 10 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.

- b.** Contractual Grievance Procedure: An employee covered by a **Collective Bargaining Agreement or Memorandum of Understanding** may submit a grievance **in accordance with their union's grievance procedure(s)**.
- E.** Approved Supplementary Employment Terminated: Within 30 calendar days of terminating previously approved supplementary employment, personnel shall notify the **Governor's Office of Administration via the Employee Self-Service system** of such termination.

## **17.06 DUAL EMPLOYMENT**

- A.** Within the Department: Such arrangements shall be coordinated by the **PSHRDC** in accordance with Commonwealth Management Directive 525.11, Dual Employment.
- B.** With another state agency:
  - 1.** Personnel shall receive prior approval from the **Commissioner** before engaging in dual employment with another state agency.
  - 2.** 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.
  - 3.** The secondary state agency must submit a Request for Dual Employment, Form STD-338, to the **PSHRDC**.

**NOTE:** Due to the unusual and complex nature of dual employment, it is advisable to contact the **PSHRDC** before pursuing any dual employment arrangements.

**17.07 MAINTENANCE AND RELEASE OF INFORMATION**

- A.** All supplementary employment **requests, records of approval or disapproval given to those requests**, and any attachments **shall be maintained by the PSHRDC** in a secured e-file **or the Systems, Applications, and Products system**. 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.** Supplementary Employment Requests may be considered public documents under the Pennsylvania Right to Know Act.