



# RULES OF THE STATE PERSONNEL BOARD

## 478-1-.07 Outside Employment

### (1) Introduction:

Employees may seek employment and engage in a variety of activities outside of their work for the State. However, such other employment activities may not conflict with an employee's State employment. Employees who desire to engage in other employment must notify their supervisor and abide by the policies of their agency.

- (a) Employees engaged in outside employment, including consultant relationships, must inform their supervisor of the nature of the additional work and their corresponding work hours. Employees must also disclose actual or potential conflicts of interest related to their outside employment activities and/or relationships as soon as they become aware of them.
- (b) For the purposes of this Rule, the following terms and definitions apply in addition to those in 478-1-.02 (Terms and Definitions):
  - 1. "Other employment" includes working as an employee for any employer (including another State Agency), owning a business, contracting to provide services for a fee, serving as a consultant for a fee or honorarium, or being self-employed. "Other employment" also includes any elected or appointed public office (whether federal, state, or local), or a position in a political party or organization. "Other employment" does not include participating in yard sales, hosting home parties (provided that the employee is not a paid representative or commissioned sales representative of the company), babysitting, or boarding animals (provided that such services are not offered to the general public).
  - 2. "State employment" means the employee's primary employment with a State agency.
  - 3. "Primary Agency" means the agency in which the employee is employed at the time of the request to obtain employment with another agency.
  - 4. "Secondary Agency" means the agency in which the employee is requesting to be hired.

### (2) Additional State Employment:

State employees who desire to work for more than one State agency must have prior written authorization from both their current and prospective employers before commencing employment with a second State employer. The primary and secondary agencies must ensure that the request complies with State and Federal guidelines.

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Employment and payroll records are to be maintained and accessed in accordance with the provisions of SPB Rule 478-1-.09 Records. Agencies are required to identify and address instances where employee are engaged in secondary employment.

## **(3) Conflicting Employment Activities:**

Employees must avoid employment, activities and/or relationships that actually conflict or could conflict with the State's interests; create a perception of impropriety; or, adversely affect the State's or the employing agency's reputation.

(a) Examples of conflicting employment activities include but are not limited to the following:

1. Concurrent employment that interferes with the time or attention that should be devoted to State employment;
2. Holding a financial interest in any present or potential competitor, customer, supplier, or contractor of the State, unless the ownership interest is less than 5% of that business;
3. Acceptance of a membership on the Board of Directors or serving as a consultant or advisor to any board or management of any business that is a present or potential competitor, customer, supplier or contractor of the State;
4. Engaging in any transaction involving the State from which the employee can benefit, financially or otherwise (including lending or borrowing money, guaranteeing debts or accepting gifts, entertainment, or favors from a present or potential competitor, customer, supplier, or contractor), except as he/she may be compensated in the usual course by the State;
5. Use of the State's time, equipment, or other resources in pursuing outside Business activities; or
6. Use for the employee's personal benefit or the disclosure by the employee to a third party of any confidential, unpublished information obtained in connection with his/her employment with the State.

(b) In all cases, the determination as to whether a conflict or potential conflict exists will be made by the agency.

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## (4) Prohibited Public Employment and Political Appointments:

Employees are prohibited from holding any full-time elective or appointive: public office of a state or political subdivision of a state, civil office of the federal government, office of a political party or political organization, or any other office if the duties or responsibilities of such office conflict with the employee's State employment.

(a) Employees also may not hold office or be employed in the legislative or judicial branch, with one limited exception: an employee who has taken a leave of absence without pay may serve temporarily as an employee of the legislative branch while it is in session and during the authorized stay-over period.

(b) For additional guidelines regarding political activities, refer to Rule 478-1-.08.

## (5) Termination of Other Employment:

If an agency determines that an employee's other employment interferes with the employee's performance or creates an actual or an apparent conflict of interest, the employee will be asked to terminate the other employment.

## (6) Consequences of Rule Violation:

Failure to make required disclosures or take action to resolve express or direct conflicts of interest may result in disciplinary action, up to and including suspension without pay and/or termination of employment.

### Authority:

O.C.G.A. Secs. 45-20-3, 45-20-3.1, 45-20-4.

**History.** Original Rule entitled "Registers of Eligibles" adopted. F. July 31, 1985; eff. July 1, 1985, as specified by the Board.

**Amended:** F. Jan. 22, 1988; eff. Nov. 12, 1987, as specified by the Board.

**Amended:** F. Nov. 16, 1992; eff. Sept. 21, 1992, as specified by the Board.

**Repealed:** Rule reserved. F. Oct. 8, 1997; eff. Sept. 25, 1997, as specified by the Board.

**Amended:** New Rule entitled "Outside Employment" adopted. F. Dec. 23, 2008; eff. Dec. 17, 2008, as specified by the Board.

**Amended:** F. July 30, 2010; eff. July 16, 2010, as specified by the Board.