



TITLE	POLICY NUMBER	
Secondary Employment Policy	DCS 04-13	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	07/14/2017	

This policy does not create a contract for employment between any employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.

I. POLICY STATEMENT

Secondary employment will not be allowed to conflict with proper performance of assigned duties and responsibilities of Department of Child Safety (DCS) employees. Supervisors and Program Administrators, or equivalents, will review and determine if the requested secondary employment represents a conflict of interest. Final decisions will be made by a DCS Deputy Director.

II. APPLICABILITY

This policy applies to the request, approval, and/or denial of secondary employment and all Department staff shall adhere to its statements and procedures.

III. AUTHORITY

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|----------------------------------|---|
| A.A.C. R2-5A-501 | Arizona State Personnel System Rule: Standards of Conduct |
| A.A.C. R2-5A-502 | Arizona State Personnel System Rule: Hours of work |
| A.A.C. R2-5A-503 | Arizona State Personnel System Rule: Outside Employment |
| A.R.S. § 23-391 | Wages and Hours of Public Employees: Overtime pay; |

work week

[A.R.S. § 38-503](#)

Conflict of Interest; exemptions; employee prohibition

[Fair Labor Standards Act](#)

United States Department of Labor

NOTE: Federal and state laws, when applicable, supersede any conflicts with the Arizona State Personnel System Rules or Department policies.

IV. DEFINITIONS

Conflict of Interest is defined broadly as follows:

- Secondary employment that has an adverse impact on the Department;
- Secondary employment where compliance with the Fair Labor Standards Act (FLSA) may increase the cost to the Department. When a Department employee undertakes secondary employment, within DCS or with another State agency, board, or commission, the hours of work in the secondary job may result in an overtime expense for DCS;
- A prohibited conduct identified in the Arizona Department of Administration (ADOA) Personnel Rules: Standards of Conduct section R2-5A-501(B);
- A violation of any other state or federal law;
- An impairment of current duties.

Department or DCS: The Arizona Department of Child Safety.

Employee: All officers and employees of DCS, whether in covered service or uncovered service.

Secondary Employment: Any job, contract, or work agreement made by an employee of the Department with another party, including the same or other State agencies as well as self-employment.

V. POLICY

- A. It is the policy of the Department to review an employee's secondary employment to determine if there is a conflict of interest between the secondary employment and the employee's job with the Department.
- B. Each employee is required to disclose all secondary employment. Each disclosure will be reviewed to ensure that the secondary employment is compatible with the employee's job and does not impair the employee's ability to perform his or her primary job in an acceptable manner. All decisions made by DCS management are final.

VI. PROCEDURES

- A. Prior to accepting secondary employment, an employee must complete the *Notification of Secondary Employment* form and submit it to his or her supervisor.
- B. The notification shall be reviewed to determine if:
 - 1. There is a conflict of interest.
 - 2. The secondary employment has an adverse impact on the Department.
 - 3. Compliance with the FLSA may increase the cost to the Department.
 - a. When a DCS employee undertakes secondary employment, within DCS or with another State agency, board, or commission, the hours of work in the secondary job may create an overtime situation;
 - b. Consult a DCS Human Resources (HR) Employee Relations Analyst for assistance regarding this issue.
 - 4. It conflicts with Arizona State Personnel System Rule: Standards of Conduct (R2-5A-501).
 - 5. There is a violation of any other state or federal law.
 - 6. There is no impairment of current duties.
- C. The employee's supervisor will review the information contained on the form. If

it appears the request violates any part of section VI.B, the supervisor will contact the employee and discuss the exact nature of the secondary employment in detail.

- D. The supervisor will forward the *Notification of Secondary Employment* form with a recommendation for approval or disapproval of the secondary employment to the Program Administrator, or equivalent.
- E. The Program Administrator, or equivalent, shall review the *Notification of Secondary Employment* form. If the Program Administrator, or equivalent, believes a conflict exists, he or she may consult with the Office of the Attorney General (AG) for review and a recommendation. The Program Administrator, or equivalent, will forward the *Notification of Secondary Approval* form with a recommendation for approval or disapproval to the applicable Deputy Director for a final decision. The Deputy Director will record the final decision on the *Notice of Secondary Employment* form and return it to the Program Administrator. A copy of the *Notification of Secondary Employment* will be forwarded to the supervisor and employee.
- F. If an employee requests secondary employment with another region, unit, or program within the Department, the approval of more than one Deputy Director may be required if the chain of command for the secondary employment opportunity has a different Deputy Director.
 - 1. If both Deputy Directors approve the secondary employment, the supervisor shall advise the employee. The *Notification of Secondary Employment* form will be signed by the Deputy Directors and returned to the Program Administrator. A copy of the *Notification of Secondary Employment* will be forwarded to the supervisor and employee.
 - a. If at any time, an employee's supervisor or Program Administrator, or equivalent, determines that the secondary employment adversely impacts the Department or impairs the employee's capacity to perform the duties and responsibilities of the primary job, the supervisor shall advise the employee. The employee shall decide which job he or she wishes to retain, the primary employment or the secondary employment. The employee must communicate the decision to the immediate supervisor within three working days.
 - 2. If both Deputy Directors determine that the secondary employment violates any part of section VI.B or is not in the best interest of the

Department, the employee shall be advised of that decision.

VII. FORMS INDEX

[*Notification of Secondary Employment \(DCS 1014-A\)*](#)