



TITLE	POLICY NUMBER	
Secondary Employment Policy	DCS 04-13	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	07/14/2017	1

*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 Assistant Director/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**

- [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 href="#">A.R.S. § 23-391</a>	Wages and Hours of Public Employees: Overtime pay; work week
<a href="#">A.R.S. § 38-503</a>	Conflict of Interest; exemptions; employee prohibition
<a href="#">Fair Labor Standards Act</a>	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: A conflict between the employee's private interests and their official responsibilities which may include but is not limited to:

- 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);

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 and digitally sign the [Secondary Employment Form](#), which is automatically routed via DocuSign to the employee's supervisor. Pending forms are periodically monitored by Human Resources and those that contain incomplete or inaccurate information regarding an employee's chain of command cannot be processed, resulting in the employee being required to generate a new form.
- B. The form 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 Fair Labor Standards Act 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. Employees may consult a DCS Human Resources (HR) Employee Relations Analyst for assistance regarding this issue. Questions may be directed to [SecondaryEmployment@azdcs.gov](mailto:SecondaryEmployment@azdcs.gov).
  - 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 approves or disapproves the request for secondary employment and digitally signs the form, which is automatically routed via DocuSign to the appropriate Program Administrator, or equivalent.
- E. The Program Administrator, or equivalent, shall review the *Secondary Employment Form*. If the Program Administrator, or equivalent, believes a conflict exists, they may consult with the Office of the Attorney General and/or the Chief Human Resources Officer for review and a recommendation. The Program Administrator, or equivalent, will forward the form via DocuSign with a recommendation for approval or disapproval to the applicable Assistant Director/Deputy Director for a final decision. The Assistant Director/Deputy Director will record the final decision on the *Secondary Employment Form*. A copy of the *Secondary Employment Form* containing the final decision will be provided to the supervisor and employee, and a copy will be maintained by HR in the employee's personnel file.
- F. If an employee requests secondary employment with another region, unit, or program within the Department, the approval of more than one Assistant Director/Deputy Director may be required if the chain of command for the secondary employment opportunity has a different Assistant Director/Deputy Director.
1. If both Assistant Directors/Deputy Directors approve the secondary employment, the supervisor shall advise the employee. The *Secondary Employment Form* will be signed by the Assistant Directors/Deputy Directors and returned to the Program Administrator. A copy of the *Secondary Employment Form* 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 Assistant Directors/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**

[Secondary Employment Form](#)

[Secondary Employment Form Instructions](#)