

<p style="text-align: center;"><b>GEORGIA DEPARTMENT OF CORRECTIONS</b>  <b>Standard Operating Procedures</b></p>		
<b>Policy Name:</b> Other Employment		
<b>Policy Number:</b> 104.50	<b>Effective Date:</b> 01/22/2019	<b>Page Number:</b> 1 of 5
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

**I. Introduction and Summary:**

Employees may seek employment and engage in a variety of activities outside of their work for the Georgia Department of Corrections (GDC). However, such Other Employment activities may not conflict with an employee's GDC employment. Employees must obtain permission prior to engaging in such employment.

**II. Authority:**

- A. O.C.G.A. §§45-10-1 and 45-10-70;
- B. State Personnel Board Rule: 478-1-.07 Outside Employment;
- C. Governor's Executive Order Establishing a Code of Ethics for Executive Branch Officers and Employees, dated January 14, 2019; and
- D. GDC Standard Operating Procedure: 104.47, Employee Standards of Conduct.

**III. Definition:**

**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" 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).

**IV. Statement of Policy and Applicable Procedures:**

- A. GDC employees will be permitted to engage in Other Employment, provided that it is not a conflict of interest with departmental employment, is not a violation of law, rule or regulation and it does not impede or conflict with the employee's ability to perform his or her duties and responsibilities with the Department. New employees who are engaged in Other Employment at the time of their employment with the Department must request permission to continue in such employment.
- B. Employees must avoid employment, activities, or relationships that actually conflict or could conflict with the Department's interests; create a perception of impropriety; or, adversely affects the Department's or the employing agency's reputation.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
<b>Policy Name:</b> Other Employment		
<b>Policy Number:</b> 104.50	<b>Effective Date:</b> 01/22/2019	<b>Page Number:</b> 2 of 5
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

1. Examples of conflicting employment activities include, but are not limited to, the following:

- a. Concurrent employment that interferes with the time or attention that should be devoted to Department employment;
- b. Holding a financial interest in any present or potential competitor, customer, supplier, or contractor of the State, unless the ownership interest is less than five percent (5%) of that business;
- c. 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;
- d. 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;
- e. Use of the Department's time, equipment, or other resources in pursuing outside business activities; or
- f. 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 Department.

**Note: An employee who has taken a leave of absence without pay may serve in the Legislative Branch while the Georgia General Assembly is in session.**

C. Current GDC employees who seek permission to enter into Other Employment must submit the Other Employment Request and Verification form to their supervisor.

1. Before forwarding the form to the Appointing Authority for final action, each supervisor/manager will use the following criteria to review the request and this information will be used to formulate his/her recommended action, which will be taken into consideration by the appropriate Appointing Authority.

<p style="text-align: center;"><b>GEORGIA DEPARTMENT OF CORRECTIONS</b>  <b>Standard Operating Procedures</b></p>		
<b>Policy Name:</b> Other Employment		
<b>Policy Number:</b> 104.50	<b>Effective Date:</b> 01/22/2019	<b>Page Number:</b> 3 of 5
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

- a. Would the Other Employment activity interfere with the performance of the employee's duties or conflict with any regular or anticipated overtime required by the Georgia Department of Corrections job?

**Note: When discussing and approving Other Employment with security employees or other shift workers, supervisors and Appointing Authorities should remind the employee of the Department's right as an employer to change shift assignments. Adverse impact on Other Employment is not a required consideration for shift changes.**

- b. Would the Other Employment activity create either a conflict or appearance of a conflict with the Georgia Department of Corrections employment?

D. Department employees who are Exempt from federal Fair Labor Standards Act (FLSA) requirements will not be allowed to hold a part-time job with GDC but will be permitted to work with other state agencies, commissions or authorities, provided:

1. The employee who seeks Other Employment with another state agency has met the criteria described in paragraph C, above;
2. The position at the other state agency, commission or authority is Exempt. The individual must provide the GDC Appointing Authority written confirmation the position is Exempt; and
3. The affected individuals have been informed that they are prohibited from receiving any duplication of benefits (e.g., insurances, retirement contributions, workers' compensation, etc.). If an FLSA Exempt GDC employee accepts Other Employment with another state agency, while still maintaining their current employment with this Department, that individual must provide the GDC Appointing Authority written confirmation of their declination of benefits.

**NOTE:** Department employees who are Non-Exempt from federal Fair Labor Standards Act (FLSA) requirements are prohibited from working with other state agencies, commissions or authorities.

- E. Supervisors will forward the form to the Appointing Authority with a recommendation for approval/denial.

<p style="text-align: center;"><b>GEORGIA DEPARTMENT OF CORRECTIONS</b>  <b>Standard Operating Procedures</b></p>		
<b>Policy Name:</b> Other Employment		
<b>Policy Number:</b> 104.50	<b>Effective Date:</b> 01/22/2019	<b>Page Number:</b> 4 of 5
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

1. The Appointing Authority will make the final decision and return the form to the employee.
  2. Copies of the completed form with approval/denial will be placed in both the employee's local and official personnel file.
- F. Appointing Authorities will ensure that Attachment 1, Other Employment Request and Verification form has been completed for all employees who currently have Other Employment. Employees are personally responsible for informing their supervisors/Appointing Authorities about Other Employment. To help avoid unforeseen conflicts or work impediments, employees should actively seek the advice of their Appointing Authority before accepting another job.

GDC employees who subsequently obtain, change, or end Other Employment relationships must complete Attachment 1, or provide other written verification to the Appointing Authority, within fifteen (15) calendar days after the occurrence.

Failure to provide Other Employment verification in a timely manner may result in disciplinary action, up to and including dismissal from employment.

- G. No employee may accept any payment whatsoever for services for which fees are not legally or traditionally required.
- H. No employee shall serve for compensation as a corporate officer or director of any for-profit or publicly held company. Voluntary, pro bono services on behalf of non-profit organizations may be permitted, so long as services to such organizations would not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully, faithfully, and impartially.

I. Special Note:

An employee who holds the job of chaplain, fireman, physician, dentist, psychologist, registered nurse, licensed practical nurse, or a person with a doctoral or master's degree from an accredited college or university may not be employed by another state agency unless:

1. The Commissioner of the Department, the agency, commission or authority that wishes to provide other employment to this specific type of GDC employee, must certify in writing the need for the services and set forth why the best interest of the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
<b>Policy Name:</b> Other Employment		
<b>Policy Number:</b> 104.50	<b>Effective Date:</b> 01/22/2019	<b>Page Number:</b> 5 of 5
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

State will be served by obtaining the part-time services of such a person in lieu of obtaining such services from a person not presently employed by the State and;

2. The Commissioner of Corrections must certify in writing that the person whose services are desired is available to perform such services, that the performance of such services will not detract or have a detrimental effect on the performance of said person's employment and, where appropriate, that the part-time employment of such persons by the department, agency, commission, or authority desirous of obtaining the services will be in the best interest of the state; and
3. The departments, agencies, commissions, or authorities, after having complied with the above, shall, by agreement, establish the procedures under which the employee shall perform the additional services. The agreement shall specify the means of employment, the compensation, and other pertinent details and conditions of the employment relationship. The agreement shall be terminable at any time by either of the departments, agencies, commissions, or authorities.
4. Requests for Other Employment from persons described in this paragraph must also include: Attachment 1, Other Employment Request and Verification form, a memo from the employee outlining their current job, description of their other job, and a detailed description of the employee's credentials. This will be routed directly to the Human Resources Director, who will be responsible for processing this employment agreement.

**V. Attachment:**

Attachment 1: Other Employment Request and Verification Form

**VI. Record Retention of Forms Relevant to this Policy:**

Upon completion, Attachment 1 shall be retained permanently in the employee's local and official personnel file.