



# Outside and Dual Employment Policy

Policy Number: PP 3-2

Effective Date: January 1, 2018

Approved By: Roger L. Stancil, Town Manager

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## POLICY

The work of the Town takes precedence over other employment that Town employees might have. The Town Manager has the right to review information about an employee's outside employment, including information about compensation and hours worked. Continuing outside employment that conflicts with the Town's interest after being requested to stop may be grounds for disciplinary action up to and including discharge. No regular full- or part-time employee of the Town shall simultaneously hold a second position with the Town.

## PURPOSE

The Town recognizes that its employees might have other employment. However, the Town Manager must assure that Town employees do not engage in other employment which might create a real or apparent conflict of interest or otherwise interfere with an employee's ability to fulfill their primary job responsibilities with the Town. The Director of the Human Resource Development Department is authorized to issue procedures consistent with this policy.

## R.E.S.P.E.C.T. VALUES



**Responsibility:** We acknowledge that our duties impact the jobs of many other employees. We take ownership over our roles within the organization as a way to demonstrate our consideration for the time and efforts of our fellow employees as well as pride in our own work.



**Ethics:** We conduct ourselves in a way that is consistent with and deserving of the level of trust that has been placed in us by the community members of Chapel Hill.

## APPROVAL

Roger L. Stancil, Town Manager



# Outside and Dual Employment Procedures

Policy Number: PP 3-2

Effective Date: January 1, 2018

Approved By: Cliff Turner, Human Resources Development Director

## PROCEDURES

**These procedures are issued by the Director of Human Resource Development to implement the Outside Employment Policy, PP 3-2, issued by the Chapel Hill Town Manager. These procedures may be periodically updated.**

[Town of Chapel Hill Code of Ordinances Sec. 14-44. - Outside and dual employment.](#)

- (a) *The work of the town shall have precedence over other occupational interests of employees. The town manager shall have the right to review outside employment for salary, wages, or commissions which must be reported to the town manager to determine whether such employment is in conflict with the interest of the town. Continuation of conflicting outside employment after notice to cease may be grounds for disciplinary action up to and including discharge.*
- (b) *No regular employee of the town shall simultaneously hold a second full- or part-time position with the town, whether regular or temporary.*

### **A. Outside Employment**

1. Should Not Compete with or Compromise Town Work: Outside work-related activities and conduct must not compete with, conflict with, or compromise the Town's interests. Outside employment must not adversely affect an employee's job performance and/or ability to fulfill all Town job related responsibilities.
2. Not Performing Similar Services; No Solicitation during Business Hours: Employees cannot get paid to perform any services for residents or clients of the Town of Chapel Hill that are normally performed by the Town. An employee cannot use any Town tools, equipment, or any of the Town's confidential information in outside employment. In addition, employees may not solicit for or conduct any outside business during their Town work hours.
3. Must Not Impact Town Work: Town of Chapel Hill employees must carefully consider the demands of outside work before accepting outside employment. Outside employment is not an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at the Town, the employee will be asked to discontinue the outside employment, and if the employee continues to engage in outside employment, the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
4. Consideration of Outside Employment Impacts: In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, the Town Manager or designee will consider whether the outside employment:
  - a) May reduce the employee's efficiency or effectiveness in working for the Town
  - b) Involves working for an individual or organization that does business with the Town or to which the Town provides funding

- c) May adversely impact the Town's image
- d) May create a perceived or actual conflict of interest

5. Conditions for Disciplinary Action: Fraudulent use of Town sick leave or an employee's refusal to discontinue outside employment after being requested to do so by the Town will result in disciplinary action up to and including termination of employment.

6. Reporting: Employees are strongly encouraged to report outside employment in order to receive approval to continue it. It is in the employee's interest to have outside employment approved by the Town to avoid any potential disciplinary action, since an employee found to be engaging in outside employment which violates one or more of these provisions will be subject to disciplinary action.

## **B. Dual Employment**

1. Town Ordinance Prohibits Dual Employment of Regular Employees: No regular part time or full time employee shall simultaneously hold a second full or part time town position, whether regular or temporary. ([Code of Ordinances Section 14-44 \(b\)](#))

2. Program Support, Temporary, Occasional, and Seasonal Workers: Employees classified in one of these job classifications may simultaneously hold other similar positions within the Town. These employees are generally non-exempt and covered by the Fair Labor Standard Act regarding overtime pay. Please consult with HRD and the Town's Overtime Policy for more information.

- a) For the purposes of overtime pay requirements, the department and/or program where the employee completed his first day of work is considered the primary employment role. All hours worked in the primary employment role are counted first. Any overtime that accrues as a result of work performed in the secondary employment role will be paid by the secondary department/program employer.

**EXAMPLE:** Antwan was hired as a camp counselor by Parks and Recreation for the summer. The Aquatics Center found out that he has a lifeguard certification and hired him as a fill in lifeguard. One week he worked 25 hours per week as a camp counselor and 20 hours as a lifeguard. The Aquatic center budget will be responsible for 5 hours of overtime pay since he was hired first by the Summer Camp program.

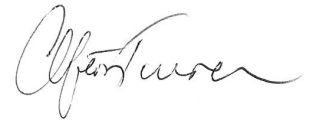
**EXAMPLE:** Antwan worked 42 hours as a camp counselor and 10 hours as a lifeguard during a work week. The camp counselor program will pay Antwan for 40 hours of straight time and 2 hours of overtime. The Aquatic Center will pay Antwan for 10 hours of work at 1.5 times the regular rate of pay.

FORMS/INSTRUCTIONS

[FORM 3-2 A: Outside Employment Reporting Form](#)

PROCEDURES  
APPROVED BY

Cliff Turner, Human Resources Development Director



ADDITIONAL  
CONTACTS

Human Resource Development 919-968-2700 or [HR@townofchapelhill.org](mailto:HR@townofchapelhill.org)  
Ombuds office 919-265-0806 or [Ombuds@townofchapelhill.org](mailto:Ombuds@townofchapelhill.org)  
Employee Assistance Program 1-800-326-3864

DEFINITIONS

- A. Outside Employment:** Any employment that is not with the Town of Chapel Hill.
- B. Regular Employee:** Any employee of the Town who receives full or partial benefits, such as accrued leave, partial insurance benefits, or partial retirement benefits, as part of their employment package.
- C. Program Support, Temporary, Seasonal, or Contract Employees:** Employees who do not receive any benefits and whose positions are not specifically funded by the Town Council.
- D. Dual Employment:** Simultaneously holding more than one position within the Town of Chapel Hill.

RESPONSIBILITIES

**All Regular Town Employees are expected to:**

- a) Make their Town job their primary employment
- b) Refrain from any outside employment that violates any of the stipulations outlined in this policy
- c) Report outside employment and have it approved

**All Supervisors/Managers are expected to:**

- a) Refer reports of outside employment to their Department Heads
- b) Follow the policy.
- c) Not offer any dual employment to a non-regular Town employee without first conferring with HRD about it

**All Department Heads are expected to:**

- a) Promptly review and determine whether any reported outside employment is in compliance with Town policy and procedures
- b) Monitor dual employment to assure that employees do not exceed maximum work hours per eligibility period for their positions.

RESPONSIBILITIES  
CONT.

**All Human Resource Development staff members are expected to:**

- a) Assist employees with understanding the policy
- b) Assist Department Heads and the Town Manager in determining whether an employee's outside employment is in compliance with Town policy and procedures.
- c) Assist Department Heads and the Town Manager in determining whether an employee is eligible for dual employment
- d) Assure that information is conveyed to both employee and the Department about the status of an employee's outside employment.
- e) Maintain records of outside employment approvals.

SCOPE

This policy covers all Town employees as outlined.

FREQUENTLY  
ASKED  
QUESTIONS

[Frequently Asked Questions](#)

RELATED  
INFORMATION

[Disciplinary Policy PP 5-3](#)

[Federal Labor Standards Act](#)

POLICY  
HISTORY

Dual Employment Policy issued 6/84

Updated 11/99

Reissued 11/2000

Updated to Add Outside Employment and Reissued January 1, 2018

This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI, Related Information. In the event of any disparity between this policy and the Town's Code of Ordinances and/or applicable local, state, or federal laws, the Town's Ordinance and/or applicable laws shall prevail.



## **Frequently Asked Questions about Outside/Dual Employment**

### **1. Am I required to report my second job to my supervisor?**

No, you are not automatically required to report a second job to a supervisor. However, you must report a second job that could create a real or perceived conflict of interest, or otherwise impact your Town job. If you aren't sure whether your second job falls into that category, we suggest you talk to your supervisor, Department Head., HRD Partner, or Ombuds.

Program Support employees who are seeking dual employment with the Town—for example, a part time lifeguard who wants to also work part time as a camp counselor—should make their supervisors aware of their overall work commitments.

### **2. What kinds of second jobs might need to be reported?**

Here are some examples of work situations that should probably be reported to your supervisor:

- a) An employee in Technology Solutions works on the side for a company that the Town purchases computers from.
- b) An employee who is responsible for booking Town events works on the weekends for one of the event spaces that the Town often uses.
- c) An employee works part time for a non-profit that receives Town funds.
- d) An employee is working a second job that sometimes makes them late for their Town of Chapel Hill job.

### **3. I am a supervisor for a seasonal program support employee who has two jobs with the Town. How should I handle this situation?**

It is very important that you and your employee are communicating regularly about how many total hours the employee is working each week in both jobs for the Town. Please see the policy and procedures for more information on how overtime is handled for dual employees.

#### **4. What happens if the Town decides that my second job conflicts with my Town employment?**

The Town can require you to give up your second job in order to keep your Town position. The Town must maintain public confidence. If the work you are doing erodes public confidence or degrades the service the Town provides, then the Town has a responsibility to the public to remove the conflict.



## FORM 3-2 A Outside Employment Reporting Form

Refer to PP 3-2 Dual and Outside Employment more information. Return this form to your Department Head or Human Resource Development. 919-968-2700 or HR@townofchapelhill.org

Name

Town Position

Department

Thank you for filling out this form. The information you provide will remain confidential.

Name of Outside Employer

Job Duties with this Employer

To your knowledge, does this employer have any type of contractual or other working relationship with the Town of Chapel Hill? If yes, please describe.

I am voluntarily reporting my outside employment.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\*\*\*\*\*

HRD Use only.

Received (Date)

Approved Y/N

Employee Notified