

Outside Employment (DRAFT)



Training
City of Portland

OVERVIEW

Outside employment



- As public employees it is critical that we refrain from using our positions for personal gain and to devote our time and resources to serving the public.
- The purpose of this policy is to prevent conflicts of interest and the appearance of impropriety.
- Most employees must complete a disclosure form.*
- It is extremely important for you to check in with your manager if you have any need for clarification.

**HRAR 4.05 notes that Members of the PPA, PPCOA, and other represented employees whose collective bargaining agreements require disclosure of outside work, shall follow the policies and procedures described in their agreements. Seasonal employees are not required to submit disclosure forms but must always comply with the State Ethics Statute and all City HR rules.*

Disclosing potential conflicts of interest



- Outside employment is subject to the process outlined in HRAR 4.05 or your Union contract.
- Each situation must be individually addressed and evaluated.
- HRAR 4.05 requires all employees to make a written disclosure regarding private business ownership or outside employment*:
 - All employees with a potential or actual conflict of interest are required to obtain a written plan of resolution from their manager.
 - Any questions from management about resolving conflicts of interest, or whether outside employment meets the terms described in the rule, should be directed to the Bureau Director who may consult with the City Attorney's Office for resolution.

**Members of the PPA, PPCOA, and other represented employees whose collective bargaining agreements require disclosure of outside work, shall follow the policies and procedures described in their agreements. Seasonal employees are not required to submit annual disclosure forms but must always comply with the State Ethics Statute and all City HR rules.*

Defining Conflicts of Interest



- City employees are met with a conflict of interest when participating in official action which could result in a financial benefit or detriment to themselves, a relative, or business they are associated with.
- The difference between an actual conflict of interest* and a potential conflict of interest** is determined by the words “would” and “could”.
 - Actual conflict of interest* arises when the employee participates in an action that would affect their own financial interest, the financial interest of a relative, or a business with which they or their relative are stakeholders in.
 - Potential conflict of interest** arises when the employee participates in an action that could affect their financial interest, the interest of a relative, or a business in which they or their relative are associated with.

*defined by the Oregon Government Ethics Laws [ORS 244.020(1)]

** defined by the Oregon Government Ethics Law [ORS 244.020(13)]

Outside employment shall not:



- Involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City.
- Involve receipt of money or other consideration for duties performed as a City employee.
- Adversely affect or discredit the City, involve competing with the City in providing a services or products, or place the employee in a position which conflicts with their duties or loyalty to the City.
- Affect the quality or quantity of the employee's performance of their City duties or their availability to report for City Duties as required.

Approvals & Denials



- In the event of a potential or actual conflict of interest, the applicable manager, Director, CAO or Commissioner shall document in writing the actions taken to resolve or prevent it.
- Copies of all disclosures, as well as conflict resolution plans, if applicable, must be kept in the employee's personnel file.
- Conflict resolution plans may be revised at any time.

Violations



- Bureaus may work with BHR to tailor a more restrictive policy to meet individual bureau needs within the limits of applicable collective bargaining agreements, if any.
- Any City employee who violates any aspect of this policy and its related policies shall be subject to discipline, up to and including discharge.

1. Quiz - Disclosure Required?



- You work as a landscaper on your days off.
- Do you have to declare this outside employment?
(Choose one answer below)
 - Yes. You must declare any outside employment.
 - No. Since you've already accepted the job and are doing the work there's no need to submit an annual form.
 - No. Since you don't landscape on City property, there is no chance for a conflict of interest and therefore no reason to submit a disclosure form.

2. Quiz - Disclosure?



- You are a represented employee and your union contract does not include an outside employment disclosure process.
- Do you have to disclose whether or not you are engaged in outside employment on the City's form? (Choose one answer below)
 - Yes. You must declare whether you are engaged in outside employment or not under HRAR 4.05.
 - No. It is illegal for the City to ask employees to disclose whether they have outside employment and/or preclude it.

Practice scenario A



Trainer shall modify scenario examples for group discussion:

A) You work as a Police Officer for the City and own a landscaping company that contracts with the City. *What are your obligations?*

B) You are a senior manager for the Parks Bureau and your company contracts with the City to landscape some City parks. *Do you have to disclose anything? If so, is there a conflict? What should be done? By whom?*

C) You work in a Commissioner's office. You own a landscaping company that does not contract with the City, but the business is required to have a City issued license and permit. *What are your obligations? Can you continue this business ownership?*

Practice scenario B



Trainer further modifies scenario examples for group discussion:

D) You work as a fire fighter and on your days off you work for a painting company that occasionally contracts with the City. *Are you obligated to disclose this outside employment? Can you continue working for the painting company after disclosure? Why? Why not?*

E) You are a manager and an employee discloses that they have a second job. You find out it involves working for a company that bids on City projects. The employee sometimes has input on selection of the bidders for projects. *What do you do? Is your only choice to deny the outside employment?*

Questions, questions, questions



If there are any questions or confusion regarding this policy or a specific situation:

- Ask a BHR Representative or your manager!