

CF OPERATING PROCEDURE
NO. 60-30, Chapter 3

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, April 10, 2018

Human Resources

ADDITIONAL EMPLOYMENT OUTSIDE STATE GOVERNMENT

3-1. Purpose. This operating procedure establishes a uniform process for employees who are seeking or accepting additional employment by an employer other than the State of Florida and for selected applicants who hold additional employment by an employer other than the State of Florida.

3-2. Scope. This operating procedure applies to all employees of the Department of Children and Families (Department) including Career Service, Selected Exempt Service (SES), Senior Management Service (SMS), and those employees paid from Other Personal Services (OPS) funds and to selected applicants who intend to become employees of the Department.

3-3. References.

a. Chapter 112, Part III, Florida Statutes (F.S.), Code of Ethics for Public Officers and Employees.

b. Chapter 60L-36, Florida Administrative Code (F.A.C.), Conduct of Employees.

3-4. Definitions. For the purposes of this operating procedure, the following definitions shall apply:

a. Additional Employment Outside State Government or Outside Employment. Receiving compensation for services rendered from an employer or self-employment in addition to the State of Florida.

b. Conflict of Interest. A situation in which regard for private interest tends to lead to disregard of a public duty or interest.

c. Delegated Authority. The Secretary, Deputy Secretary, Chief of Staff, General Counsel, Inspector General, Chief Information Officer, Assistant Secretaries, Regional Directors, Program Directors, and Facility Administrators, or their designee.

d. Regulatory Responsibility. An employee exercises regulatory responsibility if he or she has direct responsibility for determining an entity's compliance with federal, state or local statutes or regulations; determining or recommending whether an agency should issue, revoke, cancel or suspend an entity's license or other certificate of authority; approving transactions between an agency and an entity; or custody, supervision, care or treatment of prisoners, inmates, patients, clients or other persons committed to a state institution.

e. Direct Relationship. A reference used in describing any employment outside state government by a Department employee with a private employer who has a relationship with any organization under contract with the Department, which the relationship has the potential to create a conflict of interest for a Department employee.

This operating procedure supersedes CFOP 60-30, Chapter 3, dated May 1, 2015.

OPR: ASHR

DISTRIBUTION: A

3-5. Policy.

a. No employee of the Department shall have any outside employment, or hold any contractual relationship with any business entity or any agency which is subject to regulation by, or is doing business with, the Department of Children and Families without first obtaining approval as set forth in this operating procedure.

b. No employee shall have any outside employment or contractual relationship that will create a continuing or recurring conflict between his or her private interests and the performance of his or her responsibilities to the Department, or that would impede the full and faithful discharge of his or her public duties. Notwithstanding any opinion from the Commission on Ethics, the Department shall make the final decision as to whether or not the proposed employment outside of state government is or may be perceived a conflict of interest.

c. Department employees wishing to engage in other employment outside their respective positions with the Department must assure that such additional employment does not interfere with their ability and availability to perform their job responsibilities with the Department, including scheduled work time and overtime requirements.

d. Any outside employment must not constitute a real or apparent conflict of interest and shall not require the use of state space, personnel, time, equipment or supplies. This includes the use of state copiers, fax machines, computers and telephone devices.

e. In the case of a selected applicant who intends to become an employee of the Department, the review and approval of any outside employment, or any contractual relationship with a business entity or any agency which is subject to regulation by, or is doing business with, the Department of Children and Families must be done prior to the selected applicant becoming an employee. Therefore, the hiring authority should review the selected applicant's State of Florida Employment Application to identify any outside employment or applicable contractual relationship and ensure that any necessary approvals are obtained prior to the selected applicant beginning employment with the Department (or the selected applicant must cease the outside employment until approval is obtained).

f. The Delegated Authority shall review all approved outside employment annually to determine if any changes have occurred, such as a change in position, and ensure that such outside employment continues to be in compliance with Department policy and this operating procedure.

3-6. General.

a. Each state employee who seeks or accepts other employment outside of state government, including self-employment, is responsible for determining that the employment is in compliance with Department policy. In any instance where it is not clear whether such outside employment would constitute a conflict of interest, the employee shall obtain an official written opinion from the Commission on Ethics.

b. When an employee or selected applicant is considering additional employment with a private employer who has a direct relationship to any organization under contract to the Department, the employee or selected applicant shall obtain an opinion from the Commission on Ethics as to the appropriateness of such employment and subsequent review by the Ethics Officer of the Department prior to accepting any outside employment or, in the case of a selected applicant, prior to beginning employment with the Department. The opinion, together with a completed form CF 958, Additional Employment Outside of State Government (available in DCF Forms), should be submitted to the Ethics Officer of the Department for review and final recommendation on whether the employment is appropriate under the Department's ethics policy. The Ethics Commission opinion, the opinion of the

Ethics Officer of the Department, and the completed form CF 958, Additional Employment Outside of State Government, will become a part of the employee's official personnel file.

c. If it appears that the outside employment could constitute a conflict of interest, the supervisor should check with the Department's Ethics Officer or his or her designee to determine if the outside employment is appropriate prior to taking any action on the request.

d. All employees (OPS, Career Service, SES and SMS) and selected applicants must meet the conditions set forth in this operating procedure, and must complete Part I of form CF 958 (available in DCF Forms); submit it to the immediate supervisor for review and recommendation or disapproval; and, receive written approval from the Delegated Authority prior to accepting any additional employment outside state government. Where the Department determines there is no conflict of interest and the outside employment has been approved, the supervisor shall submit the completed form to the Human Resources Shared Services Center (HRSSC) to enter the required information on the People First Outside Employment screen and for placement in the employee's official personnel file. Once the form has been approved and processed, the employee may start the outside employment. In the case of a selected applicant, the approval must be obtained prior to beginning employment with the Department (or the selected applicant must cease the outside employment until approval is obtained).

e. When the outside employment ceases, the employee shall complete Part II of form CF 958 (available in DCF Forms) and submit it to their immediate supervisor who shall submit the completed form to the HRSSC to enter the required information on the People First Outside Employment screen and for placement in the employee's official personnel file.

f. Violation of this operating procedure or the provisions of Chapter 112, Part III, F.S., shall result in appropriate discipline up to and including dismissal.

3-7. Responsibilities.

a. It is the responsibility of each employee who intends to secure additional employment outside of state government to comply with this operating procedure, report or request additional employment on the appropriate form as required and notify their supervisor when their outside employment ends.

b. It is the responsibility of each immediate supervisor who has an employee with additional employment outside of state government to ensure that the secondary job does not interfere with the employee's regularly scheduled work and that the employee is complying with this operating procedure and with all applicable rules and laws related to hours of work.

c. Supervisors and managers shall regularly check to ensure that the People First Outside Employment screen is current, accurate and complete for all employees within their organizational unit.

d. At the beginning of each fiscal year, the Human Resources Director will send outside employment reports, which are available from the People First System, to the Human Resources Business Partners for review with the appropriate delegated authority and any necessary action relative to employees within their organizational unit.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Acting Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

No substantive changes have been made.