

Section Title: Human Resources

Policy Title: Outside Employment

Policy Number: HR1.0

- 1.0.01 PURPOSE: This policy addresses the outside employment of Commission employees, to ensure that the outside employment does not conflict with the duties of their employment at the Commission.
- 1.0.02 APPLICATION: This policy applies to all full time employees of the Tennessee Higher Education Commission.
- 1.0.03 DEFINITIONS: Outside employment is defined as any non-Commission employment or activity whereby an employee renders any service for which the employee receives cash, payment, goods, or services. Such outside employment also includes active participation in a business, including being an owner, part-owner, partner, corporate officer, or serving in a policy-making position for such business.
- 1.0.04 POLICY: As a condition of employment, all full time Commission employees shall abide by this policy. The Commission recognizes the value of outside employment of its personnel and to the citizens of Tennessee arising from outside consulting, serving as an adjunct instructor at a postsecondary institution, and other professional experiences within the higher education enterprise and acknowledges that such activities bring credit to the Commission. It also recognizes that there are other opportunities unrelated to higher education or the duties of the employee that may be available to Commission employees.
- 1.0.04A The provisions of 1.0.04 above notwithstanding, it is understood that all full time employees of the Commission recognize employment with the Commission as their primary place of employment. It is further understood that fulfillment of official duties for the Commission may require working beyond the regular work day or work week, and in such situation the work of the Commission shall take priority over any outside employment opportunity.
- 1.0.04B Employees shall not engage in any outside employment with any person or entity that may substantially affect the employee's ability to fulfill his or her official duties with the Commission.
- 1.0.04C As a guide to determine the appropriateness of outside employment, consideration shall be given as to whether the outside employment will:

1. Result in a conflict of interest, or an apparent conflict of interest, with the employee's official duties and responsibilities or with regular Commission operations;
2. Interfere with the employee's efficient performance of official duties and responsibilities at the Commission;
3. Bring discredit to the Commission or cause unfavorable or justifiable criticism of the Commission.
4. Be performed entirely outside of, and in addition to, normal working assignments and responsibilities;
5. Require only a reasonable time commitment from the employee;
6. Be undertaken with an inappropriate claim that the individual is officially representing the Commission in connection with the employment.

1.0.04D The Commission acknowledges there will be rare instances where it is acceptable for outside employment to conflict with regular working hours. Such situations must be approved in advance by the Associate Executive Director to whom the employee reports and the Executive Director. In instances of the outside employment of an Associate Executive Director or other person who reports directly to the Executive Director, the prior approval of the Executive Director is required. Additionally, such approval shall include a written plan as to how the employee will work 37.5 hours per week with additional assurance that his or her work product will not be compromised. A copy of this plan shall be placed in the official personnel file of the employee.

1.0.05A PROCEDURE: Commission employees with outside employment obligations that are limited to hours beyond the standard work day, on weekends and/or state holidays, will not be required to notify or seek approval for such employment as long as the outside employment does not conflict the stated purpose of this policy.

1.0.05B Commission employees with outside employment obligations that involve higher education, consulting, or as a business owner, part-owner, partner, corporate officer, or in a policy making position, and their involvement is limited to hours beyond the standard work day, on weekends and/or state holidays, shall disclose the outside employment to their immediate supervisor and a copy shall be filed with the Executive Director.

1.0.05C Commission employees with outside employment opportunities that may or will conflict with regular work schedule shall obtain the approval of the Associate Executive Director and Executive Director, as required by paragraph 1.0.04D, above, prior to beginning the outside employment.

- 1.0.05D Commission employees with outside employment with other agencies, departments, or institutions of State government, shall first obtain the approval of the Associate Executive Director and Executive Director and will be subject to prior approval of the President, Director, or appropriate representative of the other agency, department, or institution. Such services to another state agency or institution of higher education shall be paid by the contracting agency to the Commission in accordance with a dual services agreement.
- 1.0.06 It shall be the duty of the employee to provide notice and/or seek approval in writing on a timely basis as required by this policy.

Approved: July 27, 2006