

 <p style="text-align: center;">STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p style="text-align: center;">Policy and Procedure</p>	POLICY AND PROCEDURE NUMBER 02.01.011	PAGE 1 of 4
	EFFECTIVE DATE September 30, 2014	
SUBJECT Outside Employment or Services	SUPERSEDES 02.01.011	DATED January 16, 2004
CHAPTER Administration	SECTION General Administration	APPROVED BY Signature on File

PURPOSE

This formalizes the policy and procedure (P&P) of the department on outside employment or services.

POLICY

Under the Alaska Executive Branch Ethics Act (AS 39.52), department employees may seek and hold outside employment or provide outside services for compensation if they do not benefit financially or personally from their actions as public employees. Employees must not accept other employment (paid or unpaid) during active state employment which is incompatible or in conflict with the proper discharge of official duties (AS 39.52.170.) Employees are prohibited from using state time or equipment in the pursuit of personal activities, other than those uses which are minor and inconsequential, under the distinction in AS 39.52.110 (a)(3). A factor indicating that minor and inconsequential use is that no additional cost will be incurred by the department. Activities which result in the employee receiving compensation, as defined in AS 39.52.960, are not minor and inconsequential.

AS 39.52.170 Outside Employment Restricted states:

- (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.
- (b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.

Definitions

Compensation: means any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered by the person for another (AS 39.52.960).

Designated Supervisor: the commissioner of each department in the executive branch, for public employees within the department; ...or, a public officer designated by a commissioner...to act as the supervisor if the name and position of the officer designated has been reported to the attorney general (AS 39.52.960).

Financial Interest: means (A) an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit; (B) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management (AS 39.52.960).

Personal Interest: means an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit (AS 39.52.960).

PROCEDURE

The purpose of this procedure is to (1) inform managers, supervisors, and employees, of the laws, regulations, and reporting requirements regarding outside employment; (2) assure all managers, supervisors, and employees know who their designated supervisor is; and, (3) outline generally prohibited outside employment.

A. Required Reporting

Employees must report all outside employment (paid or unpaid) to the designated supervisor no later than July 1 of each calendar year. An Ethics Disclosure Form - Outside Employment or Services Notification (see attachment) must be completed. Employees must also report any change in outside service or employment activity to the designated supervisor as it occurs.

The attorney general requests that only the original forms be used. A photocopy of the original form is not acceptable; the form submitted for approval must be the original colored form. Once the form is approved, a photocopy goes to the employee. The original copy will be kept and available upon request from the respective designated ethics supervisor's office.

Note: If the employment is conditioned or disapproved or other action is necessary under AS 39.52.210, attach a written determination stating the reasons and send a copy of the determination and disclosure to the attorney general with quarterly reports.

B. Designated Ethics Supervisor

The designated ethics supervisors for Department of Transportation and Public Facilities (DOT&PF) are:

- Deputy Commissioners
- Regional Directors
- Administrative Services Director

NOTE: Updated list of DOT&PF designated ethics supervisors can be found on the Department of Law website under Executive Branch Ethics section.

C. Incompatible Outside Employment

1. Any outside employment or service, including volunteer service, may be determined to be incompatible or in conflict with the proper discharge of official duties if the employee's designated supervisor reasonably determines that the outside employment or service:
 - a. takes time away from the employee's official duties;
 - b. limits the scope of the employee's official duties;
 - c. is otherwise incompatible or in conflict with the proper discharge of the employee's official duties; or
 - d. has the perception of or could be perceived by the public to be in conflict with the proper discharge of employee's official duties.
2. All state Right-Of-Way (ROW) agents are state employees as that term is defined in statute and therefore must comply with the Executive Branch Ethics Act generally and specifically sections 39.52.170 and 9 AAC 52.090 as they apply to any outside employment such as appraising.
3. None of the above is intended to exclude any hobbies, writing, or similar activities, from which an employee may benefit financially when there is obviously no conflict of interest.

ATTACHMENT:

Ethics Disclosure Form – Outside Employment or Services

AUTHORITY

AS 39.52 Alaska Executive Branch Ethics Act
9 AAC 52.090

IMPLEMENTATION RESPONSIBILITY

Deputy commissioners, regional/division directors and system directors/managers

DISTRIBUTION

All department employees via the DOT&PF website