

Metro | *Policies and procedures*

Subject Outside Employment
Section Human Resources
Approved by Martha Bennett, Chief Operating Officer; MERC Commission

POLICY

Metro employees shall not accept any outside employment that may create a conflict of interest or prevent them from meeting applicable performance standards.

Applicable to

All employees.

Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

Guidelines

1. Metro employees shall not accept any outside employment that may create a conflict of interest or prevent them from meeting applicable performance standards.
2. Employees are welcome to pursue opportunities that do not violate this policy. Therefore, Metro will consider alternate arrangements that may eliminate the conflict of interest or performance concerns and allow the employee to accept the outside employment.

Procedures

1. Outside employment creates a conflict of interest if it:
 - a. Involves use of Metro work time, facilities, equipment or supplies;
 - b. Involves the use of the employee's influence as an employee of Metro;
 - c. Involves the receipt of money or other benefits for duties performed as a Metro employee;
 - d. Involves competing with Metro in providing a service or product; or
 - e. Involves time demands that interfere with the employee's availability for scheduled work, including mandatory and prescheduled overtime or other extra work that may be required, or that makes the employee unable to meet the performance expectations for his or her position.

2. Employees are required to notify their supervisors before accepting outside employment that could potentially violate this policy. Employees must also report employment that may give the appearance of impropriety, even if no actual conflict of interest exists.
 - a. Employees should provide notice as soon as possible to allow Metro to evaluate the potential conflict and determine whether the employment is permitted under this policy.
 - i. The employee should advise Metro if he or she is subject to a deadline for responding to an offer of outside employment.
 - ii. Metro will make an effort to respond within the requested timeframe; however, it may not be feasible to do so in every circumstance.
 - b. The supervisor must provide the employee with a written response within 14 days of the request and maintain a copy in the supervisory working file. Supervisors must consult with the Human Resources Department before disciplining an employee under this policy or discouraging the employee from accepting the proposed employment.
3. If Metro determines that a potential conflict of interest exists, Metro will consider whether there are feasible alternate arrangements that will eliminate the conflict and allow the employee to accept the outside employment.
4. Metro has sole discretion to determine whether a potential conflict of interest exists and whether alternate arrangements are feasible to eliminate the conflict. If Metro determines that a conflict exists, Metro will communicate its determination and reasoning to the employee in writing.
5. If Metro determines that a potential conflict of interest exists, the employee must follow management directives to eliminate the conflict.
6. An employee who is found to have violated this policy will be subject to discipline up to and including termination. Performance concerns will be managed according to regular policies and procedures.

Responsibilities

Employees:

- Notify your supervisor before accepting or continuing employment that may fall under this policy.

Supervisors and Managers:

- Clearly communicate expectations for scheduling availability and job performance to employees.
- Consult with the Human Resources Department about any potential violations of this policy.

Human Resources Department:

- Evaluate potential conflicts of interest in consultation with Office of Metro Attorney.
- Investigate options for eliminating potential conflicts of interest or performance concerns and advise supervisors, managers, and employees accordingly.