

Outside Employment of County Employees

Objective:	To ensure that outside employment does not interfere with the accomplishment of job duties by County employees and provided that it is not contrary, detrimental, or adverse to the interests of the County.	Policy/Procedure Number:	02-10
		Effective Date:	January 12, 1981
		Responsible Department:	Human Resources
Reference: (All applicable federal, state, and local laws)	Tompkins County Code of Ethics; Tompkins County Collective Bargaining Units; Tompkins County Civil Service Rules; New York State Civil Service Laws	Modified Date (s):	August 17, 1995; August 14, 2003; February 16, 2021
Legislative Policy Statement:	It is the intent of the County Legislature to have procedures in place that will ensure that employment of County employees in addition to their County jobs shall not interfere with the accomplishment of their County job duties. The County Attorney and the County Administrator are jointly authorized and directed to establish such procedures.	Resolution No.:	95-81; 06-189; 2021-31
		Next Scheduled Review:	February 2026

General Information: This policy applies to all full and part-time employees at any workplace location of Tompkins County. Tompkins County holds all employees to the same performance standards and scheduling expectations regardless of whether or not they have other jobs. In the event that there is a conflict between this policy and its procedures, and any collective bargaining agreement, the terms and conditions of the agreement shall prevail with respect to the employees covered by that agreement.

I. Definitions:

Employee - All persons filling positions of any rank within County government, including elected or appointed officials, paid staff, and members of any administrative board, commission, or agency of that government.

Full-time Attorney - Means an attorney admitted to practice in the courts of the State of New York, employed by the County of Tompkins and scheduled to work at least thirty-five (35) hours per week.

Outside Employment - Any paid or volunteer work, service, or other activity performed by an employee other than in the performance of the employee's official duties of a County position.

Pro Bono - Legal services provided without charge to low-income persons when rendered through a program of an organization that has as a purpose the provision of legal services to low-income individuals. Whether a particular organization qualifies shall be determined by the County Attorney. Includes the following:

- Legal services, other than litigation services, to charitable, religious, civic, governmental, and educational institutions in matters in furtherance of their organizational purpose, where the payment of customary legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate.
- Activity, other than litigation, designed to increase the availability of legal services or otherwise improve the administration of justice when performed as part of a program of an established organization.
- Any other legal services performed for individuals or organizations without compensation.

II. Policy:

- A.** An employee may accept outside employment provided that it is not contrary, detrimental or adverse to the interests of the County, that the employee does not use County time materials, or resources to perform the outside employment, and that any outside employment or activity will not affect the quality or quantity of their work.
- B.** Employees are prohibited from engaging in outside employment that violates the Tompkins County Code of Ethics, in regard to conflict of interest between employees' private interests and public responsibilities, or for the use of County employment to generate business for outside employment. Outside employment includes, but is not limited to, the following:
 - 1. *Compensated Employment***
 - a. Compensated employment with any person, firm, corporation or entity other than Tompkins County (includes non-profit entities).
 - 2. *Business Activity or Ownership***
 - a. Any consulting firm or business owned by the employee, including web-based businesses, regardless of whether the firm/business is officially incorporated or whether the firm/business is not yet generating revenue or income for the employee.
 - b. Providing either paid or unpaid services to any firm/business including, but not limited to, those owned by a relative. Examples of "providing services" include, but are not limited to, bookkeeping, legal services, marketing services, servicing clients, making online sales or hosting online events.
 - 3. *Board Memberships (For-Profit Entities)***
 - a. Compensated board membership on a for-profit board.
 - b. Uncompensated board membership on a for-profit board if the employee is actively involved in the management of the for-profit entity.
- C.** Employees are prohibited from accepting employment or engaging in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by reason of their County position.
- D.** County employees shall not work for any other employer, including self-employment, during regular or sick time hours paid by the County, or if the employee is on disability leave, workers compensation, 207-C leave or is on Family Medical Leave (FMLA) due to their own health condition.
- E.** Outside employment must not interfere with County employees' fulfilling the obligations of their position. Outside duties must not conflict with regularly scheduled work hours, as determined by the Department Head or designee.
- F.** The County reserves the right to require an employee (other than an Elected Official) to terminate outside employment if it is determined that it is impacting the employee's performance or ability to meet County job requirements and/or if it becomes a situation where there is a conflict of interest.

III. Procedure:

- A.** Outside Employment Requests and Approvals
 - 1. *Employee Responsibilities***

- a. Employees other than Elected Officials must disclose outside employment to their Department Head if outside work could be a conflict of interest.
- b. Elected Officials must consult with the County Attorney if outside work could be a conflict of interest.
- c. Employees other than Elected Officials must disclose outside employment to their Department Head if they seek Flexible Work arrangements or Telework arrangements.
 - i. Sheriff's Department:
 - a. Details for policy on outside employment must be taken from the Agreement between the County of Tompkins and Tompkins County Deputy Sheriff's Association.
 - ii. Attorneys Employed by the County:
 - a. A full-time attorney employed by the County shall not engage in the practice of law on behalf of individuals, corporations or other entities, whether for compensation or pro bono, including services as an arbitrator, mediator, or hearing officer, not required as part of the duties of such County employment. Excluded from this prohibition is the practice of law on behalf of entities associated with or supported by the County (such as the Tompkins County Public Library), entities in which the County participates such as Municipal Electric and Gas Alliance (MEGA) and Tompkins Consolidated Area Transit (TCAT) or teaching in schools, colleges, seminars and conferences. Notwithstanding this, pro bono activities may be conducted by full-time attorneys upon written authorization of the County Attorney.
 - b. If the County Attorney is a full-time employee of the County, authorization for the County Attorney to conduct pro bono activity shall be upon written authorization from the Chair of the Legislature.
 - iii. Department of Assessment
 - a. A member of the Assessment staff shall not engage directly or indirectly in the business of real-estate broker, or as an insurance agent or broker, nor shall they speculate or deal in real estate where prohibited by law, nor engage in the collection of data or appraise real estate within the boundaries of Tompkins County for a fee or any other form of payment.
 - b. For non-Elected Officials, failure to report outside employment that would be considered a conflict of interest may result in disciplinary action up to and including termination in accordance with all applicable collective bargaining units and civil service rules.
 - c. For Elected Officials whose outside employment presents a conflict of interest, the matter will be referred to the County Board of Ethics if necessary.

2. Department Head Responsibilities

- a. If or when a Department Head becomes aware of an employee's outside employment, the County Attorney must be consulted. The following factors should be considered to ensure the additional work does not in any way conflict or adversely affect the employee's County position and the Tompkins County organization:
 - The type of work to be done;
 - The outside employment work schedule;
 - If the outside employment is with a governmental vendor that currently transacts business with the employee's department;
 - If the outside employment is with the employee's privately-owned entity and that entity is seeking to transact business with the governmental entity that employs them;
 - If the outside employment is related to the employee's public position; or
 - If the outside employment consists of work that is similar to work done by the public employee.
- b. If the employee's outside employment results in a negative impact or conflict of interest with Tompkins County or the employee's position, the Department Head, in consultation with the Commissioner of Human Resources, may require that the employee terminate employment with the outside employer or face disciplinary action by the County, up to and including termination.