

OUTSIDE EMPLOYMENT AND GRATUITIES

Policy I-01

PURPOSE

Although the principle vocation of Bureau of Administration (BOA) employees should be their state job, they may engage in outside employment when such activities do not interfere with the organization. This policy outlines when such outside employment will be approved and prohibits the acceptance of gratuities from businesses.

POLICY REQUIREMENTS

Bureau of Administration employees may hold outside employment subject to the following:

- 1). The outside employment shall not interfere with the effective performance of the employee's state position;
- 2). The outside employment shall not occur during state hours where the Bureau of Administration employee is also being compensated by the state, without appropriate leave, nor shall the employee use state materials or supplies;
- 3). Bureau of Administration employees shall not occupy a management or decision making position with a company that currently does business or actively aspires to do business with the state of South Dakota;
- 4). Bureau of Administration employees shall not accept outside employment and gratuities where there is a clear or generally perceived conflict of interest with their state jobs.
- 5). Bureau of Administration employees shall not be compensated or reimbursed by a company that does business or actively aspires to do business with the state of South Dakota.
- 6). Bureau of Administration employees shall not take money, special event tickets, or any type of gift or service from a company that does business or that actively aspires to do business with the state of South Dakota. This section does not apply to promotional items or activities associated with business conferences where vendors provide promotional gifts and food.

Bureau of Administration employees who engage in outside employment must have a copy of the Bureau of Administration Outside Employment form on file with the Bureau's personnel manager. Provisions of SDCL 3-8-3, 4-3-9, and 5-23-14 and ARSD 55:01:11:03 still apply.

RATIONALE

The Bureau of Administration, perhaps more than any other agency, works closely with private vendors and contractors. In fact, it is our responsibility to enter into contracts and service agreements with private interests on behalf of all state agencies. Consequently, we must be especially careful to avoid potential conflicts of interest associated with our general mission and statutory responsibilities. This policy, while more stringent than statutory provisions, will serve to protect Bureau of Administration employees, this organization, the state, and the general public.

Relevant Rules and Statutes:

SDCL 3-8-3. Salaried state officer retaining money received as theft. Any officer receiving a salary from the state who shall keep or retain any money, emolument, fee or perquisite, paid to or received by him for the performance of any duty or duties connected with his office, or in any manner paid to him as such officer or by reason of his holding such office is guilty of theft. It is the intent and meaning of this section that no officer receiving a salary from the state shall keep or retain any money, emolument, fee or perquisite paid to him by reason of his holding such office, other than the annual salary payable to such officer as provided by the Constitution.

SDCL 4-3-9. Failure of state officer or employee to pay receipts into treasury as theft. Any salaried state officer or employee who shall fail or refuse to pay into the state treasury any and all money, emoluments, fees, perquisites or other property received by him for the performance of any duty or duties connected with his office or in any manner paid to him as such officer or employee by reason of his holding such office or employment as is provided in this chapter, and within the time provided therein is guilty of theft.

ARSD 55:01:11:03. Outside activities. Employees of the state may take outside employment provided, in the opinion of their appointing authority, there is no conflict with working hours, the employee's efficiency, or the interests of state government. Employees of the state may not engage in outside business or personal activities while on duty, nor may government property be used for anything but government functions.

POLICY INDEX

Scope:	Internal to Bureau of Administration Employees
Replaces Policy:	I-95-1
Effective Date:	August 2003
Supersedes Version Written:	November 1994
Office of Primary Responsibility:	Bureau of Administration

REVISION LOG

BUREAU OF ADMINISTRATION

OUTSIDE EMPLOYMENT

State employment shall be the principle vocation of full-time employees of the Bureau of Administration. However, an employee may engage in outside employment, subject to all of the following conditions as determined by the Bureau of Administration.

1. The outside employment shall not interfere with the efficient performance of the employee's state position.
2. The outside employment shall not conflict with the interests of the agency or the State of South Dakota, and
3. The outside employment shall not be the type that would give rise to criticism or suspicion of conflicting interests or duties.

I hereby request approval for the following outside employment:

Employee's Name _____
Address _____
Length of Employment _____ Employment Location _____
Type of Work _____
Business Name _____
Address _____
Description of Work _____

Applicant Signature _____ Date _____
=====

Supervisor Recommendations _____

Approval _____ Disapproval _____

Supervisor Signature _____ Date _____
=====

Approval _____ Disapproval _____

Conditions of outside employment _____

Commissioner _____ Date _____