

April 2012

## 4.205 Outside Employment

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Type of Policy <input checked="" type="checkbox"/> <b>University</b> <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <b>Interim</b>		<b>Outside Employment</b>  <b>Policy 4.205</b>	
<b>Human Resource Policies</b>		Effective date: <b>February 22, 2012</b>	
<b>Policy History:</b>	<b>Approved by:</b>	<b>Resolution #</b>	<b>Date:</b>
Approved	Chancellor	N/A	February 22, 2012
Revised			
<b>Responsible Office:</b>	<b>Responsible Administrator:</b>	<b>Contact information:</b>	<b>Applies to:</b>
Office of Human Resources	Director of University Human Resources	937-769-1375	All Employees except Faculty

## I. Introduction and Purpose

This policy sets forth guidelines concerning employee outside employment. These guidelines consider the influence of outside employment upon conflicts of interest, the employee's duty of loyalty to the employer, the welfare of other employees and the employee's ability to perform university responsibilities in a satisfactory manner. (This policy applies to all non-faculty employees. For guidelines related to faculty outside employment see **Faculty Outside Work Policy # 5.327**).

## II. Definition of Outside Employment

Outside employment includes any employment outside Antioch University for financial remuneration including self-employment. It does not include management of passive investments, volunteer service work, or other non-remunerative activities.

## **General Guidelines**

- A. Executive Employees.** As a condition of employment, it is expected that executive level employees will devote their full work efforts and energy exclusively to the university. This is a contractual expectation of employment. Consequently, executive level employees are not ordinarily permitted to engage in outside employment of any kind. “Executive level employees” include officers of the corporation, direct reports to the chancellor, and all administrators from campus vice presidents and above. Exceptions to this policy will be limited and only where the volume of outside work does not interfere with performance. Examples of outside work which may be approved include, service on corporate boards, consulting work which contributes to the professional development of the employee (such as that related for accreditation), and engagement on site visits for accreditation.
- B. Administrative Exempt Employees.** Outside work by administrative exempt employees is discouraged since work for the university as an administrative exempt employee is not limited to a 40 hour work week. However, it will be permitted on a limited basis provided the volume of work does not interfere with the university’s expectations for performance or one’s availability for work beyond normal work hours, and provided further that the conditions in subparagraph II(C), below, are met.
- C. Non-Exempt Employees.** Full or part-time non-exempt employees are ordinarily free to engage in outside employment provided:
1. The employee’s work performance with the university remains satisfactory or better in all categories of evaluation.
  2. It does not conflict or interfere with the employee's AU work schedules, duties and responsibilities at the university.
  3. It is not undertaken with the claim that the employee is an official representative of AU.
  4. It does not create or constitute a conflict of interest, breach the employee’s duty of loyalty to the employer or compete with the education, research or public service programs of the university. Working for a competitive organization is a breach of the duty of loyalty particularly where the employee may have access to proprietary or confidential information or trade secrets which could benefit the competitor.
  5. It does not adversely affect other university employees or the university’s ability to meet its educational mission.
- D. Approval and Disclosure Process**
1. Employees engaged in outside employment must provide advanced written disclosure to the supervisor, the department head and the Office of Human Resources (“HR”) by completing the Outside Employment Disclosure Form (Form #4.205:01). This written disclosure should be provided annually at the time of contract renewal, generally July 1 of each year. A copy of the form will be maintained in the employee’s personnel file.

2. Upon any subsequent change in outside employment, including a change in the employer, type of work performed, modification of work schedule or work location, the employee will be required to submit a new or updated Outside Employment Disclosure to the direct supervisor and it will be processed as described above.
3. The employee will be notified by management if the conditions for outside employment do not appear to be met.

#### **E. Use of University Resources**

1. Employees engaging in outside employment may not use the name of AU, its units, or any other university trademark, service mark, or trade name in such a manner as to suggest institutional endorsement or support of a non-university enterprise, product, or service. For example, business cards, letterhead, etc. bearing the university name, address, and/or campus telephone numbers shall not be used in such a manner as to suggest institutional endorsement or support of a non-university enterprise, product, or service.
2. Employees engaging in outside employment may not utilize other university employees during designated work time for outside employment purposes.
3. University space, supplies, computer resources, telephones and equipment cannot be used for outside employment purposes unless prior express permission is obtained in writing and appropriate fees paid to the university.
4. University intellectual property shall not be used for outside employment purposes unless prior express permission is obtained in writing from the university.

#### **F. Injuries or Occupational Illness Arising from Outside Employment.**

1. Employees who sustain injuries or illnesses in connection with outside work shall report the injury or illness to that employer. In such cases, the employee will not be entitled to receive AU workers' compensation benefits but is permitted to use accrued paid time off such as vacation and sick leave. Falsely claiming workers compensation benefits from AU for occupational illnesses or injuries arising out of outside employment is serious misconduct and a form of theft. Violations will result in serious disciplinary action including possible termination from employment.
2. Employees shall not use university health insurance benefits to cover the medical costs of any injury or illness to the extent they are covered under the outside employer's workers compensation coverage. Again, falsely claiming medical benefits from AU for occupational illnesses or injuries arising out of outside employment is serious misconduct and a form of theft. Violations will result in serious disciplinary action including possible termination from employment

3. In those cases where an outside employment-related injury or illness results in an employee's temporary disability, the employee must either request and obtain a leave of absence without pay or request and use accrued paid time off or vacation.

**G. Miscellaneous**

1. Employees who fail to provide advance written notice of outside employment by properly completing an Outside Employment Disclosure Form may be disciplined in accordance with the Corrective Action and Discipline Procedures Policy # 4.625.
2. The university may revoke approval for outside employment at any time, and at the sole discretion of the university. Such revocations will generally be based upon finding the conditions set forth herein have not been met and will be issued in writing by the direct supervisor. For example, permission may be revoked if it is determined that the employee is working for a competitor organization.

**Policy Cross References**

Faculty Outside Work Policy	Policy # 5.327
Employee Conflict of Interest Policy	Policy # 4.605
Code of Ethics Policy	Policy # 4.603
Corrective Action and Discipline Procedure	Policy # 4.617

**Forms Cross Reference**

Outside Employment Disclosure and Approval Form	Form # 4.205:01
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