

Secondary Employment

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Policy

The employment responsibilities to the State are primary for any employee working full-time; any other employment in which that person chooses to engage is secondary. An employee shall have approval from the agency head before engaging in any secondary employment. The purpose of this approval procedure is to determine that the secondary employment does not have an adverse effect on the primary employment and does not create a conflict of interest. These provisions for secondary employment apply to all employment not covered by the policy on Dual Employment.

Agency Responsibility

1. Secondary employment shall not be permitted when it would:
 - create either directly or indirectly a conflict of interest with the primary employment.
 - impair in any way the employee's ability to perform all expected duties, to make decisions and carry out in an objective fashion the responsibilities of the employee's position.
2. If the secondary employment has any impact or may create any possibility of conflict with State operations, the form must be approved by the State Human Resources Director in conjunction with the State Board of Ethics.
3. The employee shall have approval of the agency head, or designee, before beginning any secondary employment. Approval of secondary employment may be withdrawn at any time if it is determined that secondary employment has an adverse impact on primary employment.
4. Each agency shall establish its own specific criteria, not inconsistent with this policy, for approval of secondary employment based on work situation needs.
5. Each agency shall use a Secondary Employment Form that is consistent with the model provided by the Office of State Human Resources.

Secondary Employment (continued)

Employee Responsibility

It is the responsibility of the employee:

- to complete a Secondary Employment Form for all employment that is not covered by Dual Employment, and
 - to update the form annually, as well as to document changes as they occur.
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STATE	STATUTE
Nevada	A conflict of interest may exist when a reasonable person in the public officer's situation would lack independence of judgment regarding a matter due to: the public officer's acceptance of a gift or loan; a significant pecuniary interest; or the public officer's commitment in a private capacity to the interests of another person. Nev. Rev. Stat. Ann. § 281A.420.
New Hampshire	"'Conflict of interest' means the condition in which a legislator has a special interest in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities." N.H. Rev. Stat. Ann. § 14-B:1.
New Jersey	The New Jersey Conflicts of Interest Law, which defines various forms and prohibitions against conflicts, is codified as N.J. Stat. Ann. § 52:13D-12 et seq. Refer to this section and NCSL's other surveys on specific types of conflicts of interest for more information.
New Mexico	A conflict of interest is the use of powers or resources of public office to "obtain personal benefits or pursue private interests," as opposed to using those powers or resources "only to advance the public interest." N.M. Stat. Ann. § 10-16-3.
New York	A conflict of interest exists if a legislator has any interest or engages in any business, transaction, or professional activity, or incurs any obligation, which is in substantial conflict with the proper discharge of his or her duties in the public interest. N.Y. Pub. Off. Law § 74.
North Carolina	Without using the term "conflict of interest," state law prohibits a legislator from using their public position in an official action that will result in "financial benefit to the covered person or legislative employee, a member of the covered person's or legislative employee's extended family, or business with which the covered person or legislative employee is associated." Excludes benefits that would be of no greater extent than those received by other citizens of the state. N.C. Gen. Stat. Ann. § 163A-211. Additionally, disqualifying conflicts of interest are limited to conflicts that are "of such significance that the conflict of interest would prevent a public servant from fulfilling a substantial function or portion of the public servant's public duties." N.C. Gen. Stat. Ann. § 163A-219.
North Dakota	A conflict of interest occurs if a legislator "has a direct and substantial personal or pecuniary interest in a matter before that... [legislative body]." N.D. Cent. Code Ann. § 44-04-22.
Ohio	"A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment." Ohio Rev. Code Ann. § 102.02.
Oklahoma	Generally, a conflict of interest is when a member of the legislature engages in activities or has interests which "conflict with the proper discharge of their duties and responsibilities." Okla. Const. art. V, § 21. The Ethics Commission, which promulgates ethics rules, provides a definition of conflict of interest through a provision on state officer impartiality. A conflict of interest may exist for a state officer or employee if 1) knowledge exists of a particular matter that is likely to have a direct and predictable effect on the material financial interests of the state officer or employee or a family member, 2) a person with whom he or she has a business relationship, excluding routine consumer transactions, is a party to such matter, 3) circumstances would cause a reasonable person with knowledge of relevant facts to question his or her impartiality in the matter. "Material financial interest" is further defined in the rule. Rule 4.7 (Current as of 5/6/2019).