
Outside Employment

1017.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Director prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Director in accordance with the provisions of this policy and Utah Code 53-13-114.

1017.1.1 DEFINITIONS

Outside Employment: Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime: Any employee of the Department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1017.2 OBTAINING APPROVAL

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Director. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action

In order to obtain approval for outside employment, the employee must complete a TC-13 Conflict of Interest Declaration, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Director for consideration.

Any employee seeking additional outside employment must complete a new TC-13 Conflict of Interest Declaration in a timely manner.

Any employee seeking approval of outside employment whose request has been denied, may request a written reason for the denial of the application at the time of the denial

[See attachment: TC-13 Conflict of Interest.pdf](#)

1017.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's TC-13 Conflict of Interest Declaration is denied or withdrawn by the Department, the employee may file a written notice of appeal within 10 days of the date of denial.

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1017.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Director may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1017.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of UAC R477-9-2, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the Department or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

1017.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Division officers may engage in security type or peace officer employment if:

- (a) The employer of the off-duty peace officer complies with State and Federal withholding requirements.
- (b) The employee shall provide written notification to the Division to work off-duty as a Security Officer. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Director.
- (c) Any use of Department provided equipment must be approved by the Director.

1017.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner

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pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1017.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Director, investigators assigned to undercover or covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the investigator's law enforcement status.

A division officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his/her off-duty or extra-duty employment in such situations.

1017.4 DEPARTMENT RESOURCES

Division equipment may be used for outside employment with prior authorization from the Director, and when the investigator is willing to take appropriate police action when necessary.

Any employee working outside employment shall be subject to the following conditions:

- (a) The investigator(s) may wear the Division uniform/identification.
- (b) The investigator(s) shall be subject to the rules and regulations of the Division.
- (c) No investigator may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
- (d) No investigator may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Director.
- (e) Investigators are prohibited from working outside employment while simultaneously working for the Division. This is known as "double dipping".

Except when taking legitimate law enforcement action, Investigators are generally prohibited from accessing official records or databases of the Division or other agencies through the use of the employee's position with this division.

1017.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an investigator provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Status subsection of this policy.

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1017.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Director through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Director any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1017.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Director whether such outside employment should continue.

In the event the Director determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the State's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the Utah Motor Vehicle Enforcement Division, a request (in writing) may be made to the Director to restore the permit.

1017.7 OUTSIDE EMPLOYMENT WHILE ON SICK LEAVE

In the event the Investigator calls in sick to work, he/she is not allowed to work any outside employment. Any violation of this policy will result in discipline, up to and including loss of outside employment privileges.

Attachments

TC-13 Conflict of Interest.pdf



Utah State Tax Commission
Conflict of Interest Declaration

TC-13
Rev. 2/02

Employee name	Job title
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To the employee: Information disclosed on this form is confidential and for administrative use only. It is the employee's responsibility to keep an accurate form on file. If the circumstances described below change, a new form indicating the change must be filed within five work days.

Section I Completed by the employee

- I have read the Utah State Tax Commission Conflict of Interest Policy TCA-10. I do not have paid or volunteer employment outside of my primary employment with the Tax Commission.
- I have read the Utah State Tax Commission Conflict of Interest Policy TCA-10. I do have, or am considering, paid or volunteer employment outside the Tax Commission. I have described this activity on the reverse side of this form.

Employee's signature	Division	Date signed
X		

Section II Completed by immediate supervisor

- I have read the employee's statement and believe there is no conflict of interest.
- I have read the employee's statement and believe there is or may be a conflict of interest.

Comments

Supervisor's signature	Job title	Date signed
X		

Section III Completed by Division Director

- I have read the employee's statement and believe there is no conflict of interest.
- I have read the employee's statement and believe there is or may be a conflict of interest.

Comments

Division Director's signature	Date signed
X	

Section IV Completed by Executive Director

- I have read the employee's statement and believe there is no conflict of interest.
- I have read the employee's statement and believe there is or may be a conflict of interest.

Comments

Executive Director's signature	Date signed
X	

Describe all paid employment outside of your primary employment with the Tax Commission.

Describe all volunteer activity in which you make, recommend, or carry out policy or procedures having financial or tax outcomes.

Do you believe, based on policy TCA-10, that your paid or volunteer employment outside the Tax Commission is or could be a conflict of interest?

Yes

No

If a conflict of interest exists, or is possible, describe the steps you will take to prevent the conflict.
