



# Policies, Procedures and Guidelines

## SECONDARY EMPLOYMENT POLICY

CSG008

### BACKGROUND

The Local Government Act s353 prohibits Council from engaging in private employment, or contract work outside the service of Council, that relates to the business of the Council or that might conflict with the staff member's Council duties unless he or she has notified the General Manager in writing and the General Manager has approved.

This policy is based on the principle that people in public positions must avoid situations in which private interests, impact upon the discharge of public duties and a conflict of interest, whether or not a conflict is merely perceived or actual

### OBJECTIVE

The objective of this policy is to provide clear parameters that enable perceived and actual conflicts of interest that may arise when employees seek to engage in employment outside Lachlan Shire Council (LSC) to be identified. The procedures that accompany this policy provide the mechanism for notifying, approving and reviewing these matters.

### SCOPE

This policy applies to all employees of LSC.

### DEFINITION

All references to "paid work outside the service of the Council" or "outside work" in this policy are to be understood to mean private employment or contract work, for remuneration, outside LSC, within the meaning set out in the Local Government Act 1993 s353(2).

### RESPONSIBILITIES

#### Employees

Employees must not engage on paid work outside LSC which relates to the business of Council or which might conflict with their Council duties unless they have notified the General Manager and he/she has given approval.

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An existing or prospective employee, who is already participating in paid outside work that may represent a conflict of interest, is required to notify the General Manager in writing.

It is the employee’s responsibility to inform the General Manager of any paid work outside Council that relates to the business of council or which may conflict with Council duties.

**General Manager’s**

The General Manager may prohibit an employee from engaging in paid outside work where it presents a conflict with their Council duties.

The General Manager may make the termination of paid outside work a condition of commencement or continuation of employment with Council. An employee who engages or continues to engage in paid outside work after being prohibited from doing so by the General Manager may be subject to disciplinary action.

On receipt of notification in the required form, the General Manager will advise the employee of its receipt and set a date by which his/her determination of the matter will be provided. A determination will be made within a reasonable time. If the General Manager prohibits the secondary employment, the reason(s) for his decision will be advised in Writing.

The General Manager may delegate his/her authority to deal with all or any part of this policy to an appropriate officer.

**Factors to be considered**

The General Manager may prohibit employees from engaging in paid outside work if, in his/her opinion, the hours of work, work arrangements or nature of duties jeopardise the health, safety and efficiency of the employee, co-workers or members of the public.

The General Manager may also prohibit employees from engaging in paid outside work if that work directly or indirectly conflicts or potentially conflicts with the business of Council or with the employee’s function, duties or responsibilities at Council.

Outside work is not to be carried out on Council premises, using Council assets or facilities of any kind, using Council information or resources, unless is lawfully authorised and proper payment is

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made where appropriate. Outside work is not to be carried out within the hours of work for the employee’s Council position.

Employees who are considering entering into outside work should think about the following:

- Is the outside person or entity with whom it is proposed to undertake work for, entering into a contractual relationship with Council?
- Is Council in a regulatory relationship with the outside organisation, person or entity?
- Will the hours of work conflict in any way with his/her Council duties or his/her health and safety?
- Will there be sufficient rest time away from both forms of work to enable the employee to present for work fit and alert, and able to work efficiently and to the standard required?
- Will the outside work involve him/her in litigation against another council or directly in written or oral submission before another council?
- Will performance of the outside work impact negatively on Council’s image and credibility?
- Will performance of the outside work require release of confidential information that is known to the employee, but not available to the general public?
- Is there any other conflict of interest, or potential conflict of interest between the employee’s Council duties and those involved in the outside work?

***Answering “yes” to any of the above questions is likely to result in the General Manager prohibiting performance of the outside work”.***

**1. Approval and Review of Notifications**

The General Manager will not unreasonably prohibit outside work. Approved notifications will be reviewed from time to time. Previously approved Notifications will not necessarily be continued, although continuing approval will not be unreasonably withheld.

The General Manager may prohibit previously approved Notifications if:

- an employee is transferred to another position or location within Council and the paid work being undertaken conflicts with the employee’s Council duties in the new positions or location; or

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- circumstances change which, in the General Manager’s opinion, create a conflict of interest or a potential conflict of interest; or
- issues arise from the performance of outside work which effect the employee’s health, safety or attendance for duty

**Sanctions**

Breaches of the policy and procedures may result in counselling or disciplinary action, which may ultimately result in dismissal, depending on the severity, scale and importance of the matter. More severe sanctions will ordinarily only apply when there is repeated and deliberate concealment of pertinent information, failure to disclose, or continuation of prohibited outside work.

**PROCEDURES**

**Notification**

Notification of secondary employment is to be made on the form as attached in Annexure A. For existing employees, notification should be completed and forwarded to the General Manager prior to engaging in the outside work. Prospective employees will be advised of their obligation to notify the General Manager of existing or potential outside work in letters of offer, and will be advised of full details of the policy at induction.

Where outside work has previously been approved, any change to the conditions of the outside work that could result in a conflict of interest must be advised by completion of a new Notification Form, as soon as the changed conditions become known.

Manager – People and Organisational Development will keep a register of Notification of Secondary Employment. Each notification will be endorsed as being either approved or prohibited, and a copy forwarded to the employee.

**Approvals**

Employees will be advised that their Notification has been approved by return of a copy of the appropriately endorsed Notification Form.

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## Review

Approvals will be reviewed from time to time.

The purpose of the review is to ascertain if circumstances warrant continuation or prohibition of the outside work. If the outside work is allowed to continue, the General Manager will advise the employee in writing.

In the case of prohibition, the General Manager will give the employee reasonable notice during which time the employee will terminate his/her engagement in outside work. The reason or reasons for the prohibition will also be advised letter.

GENERAL MANAGER

/ /

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Annexure A

**Notification of Secondary Employment**

To the General Manager

In accordance with the provisions of the Local Government Act 1993 s353, I notify you that I have engaged/I intend to engage\* for remuneration, I private employment/contract work\* outside the Council as follows:

I do/do not believe\* that the employment or work related to the business of Council or conflicts with my Council duties.

Employee Name: \_\_\_\_\_

Position with Council: \_\_\_\_\_

Employment Status (please circle): full-time          part time          casual          shift work: yes/no  
*Strike out the words that do not apply*

Nature of the employment or work:


Name of Employer (person, company or organization) and location:


Period of employment or work including days of work, start and finish times (if variable state maximum time to be spent in any week)


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Name of Employee: \_\_\_\_\_ Payroll number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager Comments:

\_\_\_\_\_  
 \_\_\_\_\_

This approval is only for 12 months from date of this application, on expiry you are requested to submit another application for secondary employment.

Director's Authorisation/Support:

Yes/No

Reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

General Manager's Authorisation:    Approved – Yes/No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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