

Outside Employment & Additional Compensation

ROWAN UNIVERSITY POLICY

Title: *Outside Employment and Additional Compensation*

Subject: *Ethics*

Policy No: *ELO: 2015: 02*

Applies: *University-Wide*

Issuing Authority: *President*

Responsible Officer: *Ethics Liaison Officer*

Adopted: *06/09/2015*

Amended:

Last Revision: *04/06/2015*

I. PURPOSE

The purpose of this policy is to set forth the criteria under which outside employment and/or extra compensation is appropriate.

II. ACCOUNTABILITY

At the direction of the President, the Chief of Staff and Ethics Liaison Officer shall implement this policy and the Executive Vice President, Senior Vice Presidents, Vice Presidents, and Deans shall ensure compliance with the policy.

III. APPLICABILITY

This policy applies to all full-time and part-time employees of Rowan University, including University officers, administrators, faculty, and staff. The policy does not apply to individuals who volunteer at the University.

IV. REFERENCES

A. Attendance at Event Rule, State of New Jersey (<http://www.state.nj.us/ethics/docs/statutes/attendancerule.pdf>)

B. Instructions: Financial Disclosure Statement for Public Employees (<http://www.state.nj.us/ethics/docs/disclosure/fdsinstructionsemp.pdf>)

C. Instructions: Financial Disclosure Statement for Public Officers (<http://www.state.nj.us/ethics/docs/disclosure/fdsinstructionsoff.pdf>)

V. POLICY

A. General Rule.

1. In accordance with the New Jersey State Ethics Commission, State employees are permitted to engage in additional activities and thereby earn benefits over and above their State salaries ("additional employment") so long as this does not present a conflict of interest with their State employment. A conflict of interest could arise:
 - a. if this additional employment interferes with an employee performing his/her State duties due to time conflicts,
 - b. if the nature of this additional employment conflicts with the employee's State duties, or,
 - c. if State resources are used in the performance of the additional work
2. In all cases, if a Rowan employee is intending to become engaged in an activity in which they are could or will be compensated (which includes simply having expenses reimbursed), then that engagement MUST be approved in advance by both the immediate, out of unit supervisor and the University Ethics Liaison Officer by submitting a completed Request for Approval of Outside Employment form.
3. All full or part-time employees including officers, deans, faculty administrators, faculty, and staff are responsible for reading the University policies on Code of Ethics and submitting a signed Request for Approval of Outside Employment form as described in the preceding paragraph. Where there is no outside employment, this should be indicated by completing the Certification of No Outside Employment section of the form that states, "I do not have outside employment."
4. Employment at the University is contingent upon disclosure of outside employment or certification of non-employment in compliance with this policy. Employment shall not be offered to any prospective employee whose outside employment constitutes a conflict of interest as set forth in University policy.

B. Scholarly Activities.

1. Rowan University employees, faculty and administrators alike, are encouraged to engage in scholarly activities. This may or may not result in the employee receiving a benefit for this activity. Doing so must be in accordance with the State's "Scholarly Capacity Rule", which states, in part:
 - a. A "State official, acting in a scholarly capacity, may attend, participate in, or make presentations at colloquia, seminars, conferences, or similar scholarly gatherings, so long as the State official notifies his or her department head of his or her attendance, participation or presentation .
 - b. "The direct or indirect benefit provided to the State official, acting in a scholarly capacity, may include the acceptance of reasonable travel and subsistence expenses and allowable entertainment expenses. The State official, acting in a scholarly capacity, may accept an honorarium, academic prize or other thing of value if the honorarium, academic prize or other thing of value reflects payment for orally sharing his or her intellectual property."
 - c. A State official acting in a scholarly capacity is also permitted to accept benefits for "sharing his or her intellectual property orally or in writing, acting in an editorial capacity for a journal or other publication or reviewing journal or book manuscripts, or grants or contract proposals, or participating in accreditation or other peer review activities. [However,] a State official shall not accept compensation for published work (s) created as part of his or her official duties on State time utilizing State resources, but may accept compensation for published works not created as part of his or her official duties....
 - d. "A State official acting in a scholarly capacity may accept compensation for published works created as part of his or her official duties on State time utilizing State resources."
2. Rowan University employees who receive additional salary or other benefits from the university from external grants and contracts are subject to the same rules, regulations, and limits as Rowan University faculty members.
3. When appropriate and when approved in advance by one's immediate supervisor, senior level managers at the University, may engage in scholarly activity that results in the manager receiving a

benefit, as prescribed by the Scholarly capacity rule, including: honoraria, royalties, external funding through grant writing, reasonable expenses for travel and participation at professional conferences, etc.

- a. The maximum amount of accrued time a manager may use from the "normal" work day for scholarly activities where extra compensation is received is two (2) days per month.
- b. In all cases, any/all scholarly work performed by a senior level manager that results in a benefit received by the manager must be approved in advance by the manager's immediate supervisor and the University Ethics Liaison Officer.

C. Other Additional Employment.

1. In the event that the employee is not acting in a scholarly capacity when engaged in the additional employment, the employee may not use State resources (except incidentally) in the performance of the non-State duties. This includes the person's own time, the time of any other State employee, or State equipment or facilities. "Incidental" use of facilities and equipment is defined as: [definition].
2. The "normal work day" is 8:00 a.m. to 5:00 p.m. Monday through Friday (excepting holidays). Even though a senior level manager is expected to be on call and available for service when needed, the manager's evenings, weekends, holidays and vacations are considered personal time. A manager can only be engaged in additional employment on personal time.
3. The employee is responsible for keeping, and must provide upon request, evidence that the additional employment was performed on personal time and did not involve more than incidental use of State resources. In the absence of such evidence, it will be presumed that the employee performed the additional employment on State time and/or with State resources.

D. Policies and Protocols.

1. For senior level managers at the University (that is, non-faculty employees in positions at the level of Dean and above), the following policies and protocols will apply:
 - a. Any teaching at the University will be voluntary and no compensation will be requested or provided. Any and all teaching occurring during the "normal" work day must be approved in advance by the manager's immediate supervisor.
 - b. The maximum amount of accrued time a manager may use from the "normal" work day for scholarly activities where extra compensation is received is two (2) days per month.
 - c. In all cases, any/all scholarly work performed by a senior level manager that results in a benefit received by the manager must be approved in advance by the manager's immediate supervisor and the University Ethics Liaison Officer.
 - d. In cases where additional employment is performed during the "normal" work day, the manager must get approval in advance for such work and must use accrued time for these hours.
 - e. In cases where additional employment is not performed during the "normal" work day, the manager must be able to provide verifiable and auditable evidence of the times and places that the additional employment was performed.
2. All full-time or part-time employees, including officers, deans, faculty administrators, faculty, and staff shall update their outside employment status annually during the performance appraisal process by completing the Outside Employment Certification annexed to the Performance Appraisal forms. Any change in status prior to the annual update must be reported. Updates are to be retained in employee departmental files by the schools/units.
3. Failure of University officers, faculty administrators, faculty, or staff to comply with this policy shall result in disciplinary action up to and including termination.

VI. ATTACHMENTS

- A. Request For Approval For Attendance at Events Form (<http://www.state.nj.us/ethics/docs/ethics/atndform.pdf>)

B. Financial Disclosure Statement for Public Employees Form (<http://www.state.nj.us/ethics/forms/financial/>)

C. Financial Disclosure Statement for Public Officers Form (<http://www.state.nj.us/ethics/forms/financial/>)

D. Outside Activity Questionnaire (<http://www.state.nj.us/ethics/docs/statutes/outsideactfillin.pdf>)

E. Request For Approval For Attendance At Events Form (<http://www.state.nj.us/ethics/docs/ethics/attndform.pdf>)