



State Hospital Employee Policy Manual

3.3 Outside Employment (Conflict of Interest)

Employment responsibilities to the State are primary for all KDADS full and part-time employees. All other employment is secondary. The purpose of this policy is to ensure that any secondary employment does not adversely impact the employee's primary responsibilities and does not create a conflict of interest, as defined herein. For purposes of this policy, secondary employment means "any other job or role in which the state employee receives compensation for services provided, other than his or her State position, whether as a contractor or an employee".

1. Secondary employment shall not be permitted when it would likely:
 - a. Create or appear to create either directly or indirectly a conflict of interest with the primary employment; or
 - b. 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. An employee may not accept secondary employment if it would interfere with the "core hours" and/or "regular assigned working hours" of employment determined by KDADS. KDADS shall have the final determination of its core hours and regular assigned working hours of employment.
3. No KDADS' employee may receive compensation from any secondary employment for performing duties at the same time he or she is "on-duty" at his or her primary employment with KDADS. Examples, not limitations include:
 - (i) an employee **may not** accept compensation for working at the same time the employee is working for the primary employer;
 - (ii) an employee **may** accept a compensated speaking engagement or make a presentation at an event occurring during primary work hours, if the employee takes annual leave time for the event and the secondary employment is otherwise permissible under this policy;
 - (iii) an employee with regular assigned working hours of 8 a.m. to 5 p.m. M-F **may** maintain secondary employment with evening or weekend working hours if the secondary employment is otherwise permissible under this policy.
4. If the secondary employment has any possibility of creating or appearing to create a direct or indirect conflict of interest or any impairment in the objective performance of primary employment responsibilities; it is the employee's responsibility to immediately notify his or her supervisor and Human Resource Director. The Human Resource Director will notify the Deputy Director of Human Services. The employee may elect to request a written opinion from the Kansas Commission on Ethics. While any ethics opinion submitted by the employee may be considered, the ultimate decision concerning permissibility shall rest with the Appointing Authority. Examples, not limitations include:

- (i) an employee in a position with the KDADS Commission responsible for licensure or regulation of Adult Care Homes **may not** accept secondary employment working for a licensee;
- (ii) an employee working in a position with the KDADS Commission responsible for licensure and regulation of Community Service Providers **may not** accept secondary employment working for a licensee;
- (iii) an employee of a KDADS Institution working in a position involving discharge planning for patients **may not** accept secondary employment working for a facility that accepts placement of patients discharged from that Institution.
- (iv) an employee of a KDADS Institution working in a position involving providing direct personal care to patients **may** accept secondary part time employment providing direct personal care to residents of a community service provider licensed by KDADS, if the secondary employment is otherwise permissible under this policy.

5. There are no appeal rights, grievance or other review relating or pertaining to this policy.

Reference: K.S.A. 46-215 et seq.