

CITY PERSONNEL POLICY

OUTSIDE EMPLOYMENT

Policy # 22-00

Approved by Personnel Board: 8/26/99

Michele Frost, Personnel Director

Approved by City Council: 4/4/00

Council President Paul Koneck

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy.

Policy

No employee in the classified service of the City of Omaha shall engage in any other business or occupation or be employed in any other capacity unless and until such outside employment is approved by the City. Sworn police and fire employees' approval process is outlined in the labor agreements and administered by the respective chiefs pursuant to departmental policy. All other employees are governed by Section 23-99 of the Omaha City Code:

“No employee in the classified service shall engage in any other business or occupation or be employed in any capacity other than his or her position in the city service unless permission for such outside activity shall be first obtained in writing from the department head and approved by the personnel director. Application for such outside activity shall be made in such form as the personnel director may require and a copy filed with the personnel department. Permission for outside employment or activity shall be subject to review and approval by the personnel board. The department head, personnel director or personnel board shall withhold permission for outside employment or activity when the nature of said employment or activity conflicts with the interests of the city or when it affects the performance of the employee's duties. Attorneys in the law department shall be prohibited from engaging in private practice effective January 1, 1969.”

Procedure

In determining whether to approve or deny outside employment requests, department directors and the Personnel Director shall consider any and all relevant information. In general, department directors and the Personnel Director should be governed by the same general

principles contained in City policy, Conflicts of Interests. The following general guidelines should be considered:

1. "... conflicts with the interests of the City..."
 - a) Does the employee have a financial interest or employment interest with a firm that does business with the City? Is such interest sufficient to likely cause a conflict with the employee's City duties?
 - b) Will the employment reflect discredit upon the service as a City employee?
 - c) Is there a possibility of commingling City job interests and responsibilities with private employer or interests?

2. "...affects the performance of the employee's duties."
 - a) Does the gross number of hours of City employment (including overtime) and outside employment constitute, in and of itself, an unacceptable number?
 - b) Does the scheduling of the outside employment impact upon the employee's City work schedule?
 - c) Does the outside employment actually adversely affect the employee's City job performance?

Approval of outside employment shall continue so long as the outside employment remains substantially the same, unless revoked by the department director. If such outside employment substantially changes, it is the employee's responsibility to submit a new application for approval pursuant to the procedures set forth in Section 23-99.

The application process shall be administered by the Personnel Department, which shall provide approved forms to requesting employees. Employees are, of course, expected to complete the forms honestly and completely.

Recognizing that an employee's supervisor is in the best position to determine whether the proposed employment or activity conflicts with the interests of the City or when it affects the performance of the employee's duties, the Personnel Director, in reviewing a Request for Approval of Outside Employment, will generally defer to the recommendation of the employee's supervisor(s). The department director must approve all requests for outside employment before the request is forwarded to the Personnel Director for review. As required by Section 23-99, requests for outside employment must also be reviewed and approved by the Personnel Board. The requesting employee and supervisor may want to appear before the Personnel Board to answer any questions the Board might have about the application.

Employees Unable to Work

Employees who are temporarily unable to perform their City job duties due to injury or illness must at all times adhere to medical restrictions placed by health care professionals. For example,

if a physician restricts an employee to lifting no more than 20 pounds on his/her City job, that restriction must also be followed during approved outside employment, while at home, and in all other activities outside City employment. Moreover, such employee is required to cease approved outside employment and activities which conflict with the physical limitations directed by health care professionals until the employee is released to return to work with or without restrictions.

Employees Working Limited Duty

If an employee is working in his/her City job with medical restrictions, any approved outside employment or other activities must not exceed the limitations in place for the City employment.

If medical restrictions continue for ten (10) working days or more following an employee's return to work from injury/illness, the Benefits Manager will review the case to determine if outside employment or activities are negatively impacting the employee's recovery. If such a determination is made, the employee will be instructed to cease such approved outside employment or activity until return to work without restrictions is possible.

Noncompliance

Violation of this policy may result in termination of benefits under the Injured On Duty/Workers' Compensation provisions, and/or disciplinary action up to and including termination of employment.

Oversight

This policy will be enforced by the Personnel Department. Questions may be directed to the Benefits Manager (444-5306) or the Labor Relations Director (444-5974).