

POLICY



CENTRAL TABLELANDS WATER

SECONDARY EMPLOYMENT POLICY

DOCUMENT CONTROL

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1. Policy Statement

1.1 Introduction

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

1.2 Purpose

The aim of these guidelines is to provide the framework for identifying conflicts of interest that may arise from employees engaging in employment or business outside Central Tablelands Water (CTW), the mechanisms for notifying, prohibiting and reviewing these matters, and the appeals process to be used if an employee wishes a prohibition to be reviewed. Management guidelines are the General Manager's directives and therefore are enforceable.

1.3 Scope

These guidelines apply to all permanent and casual employees of Central Tablelands Water.

1.4 Review of the Procurement Policy

This policy will be reviewed each council term or more frequent in response to legislative change on the control environment.

2. Guidance Notes

2.1 Requirement

- Employees must not engage in paid or honorary work outside Council 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 not prohibited the paid outside work, is required to notify the General Manager immediately in writing.
- All secondary employment must be notified. The form attached to these guidelines is to be used for all notifications.
- The General Manager may prohibit an employee from engaging in paid outside work where it presents a conflict or impact on their Council duties.
- To prevent potential conflicts of interest occurring, there needs to be a separation between a staff member's normal duties and their second job.
- The General Manager may make the termination of paid outside work a condition of commencement or continuation of employment with CTW. 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 a range of actions as detailed in these guidelines.
- Notifications of outside work should be addressed to the General Manager.
- On receipt of a notification in the required form, the General Manager will advise the employee that the notification has been received and set a date by which his/her determination of the matter will be provided. A written notification will be made within a

reasonable time. If the General Manager prohibits the secondary employment, the reason(s) for this decision will be advised in writing.

- The General Manager may delegate his/her authority to deal with all or any part of these guidelines and procedure to an appropriate alternate officer.
- 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, hours of work or responsibilities at CTW.
- Outside work is not to be carried out on CTW premises, using CTW assets or facilities of any kind, using CTW information or resources, unless such use is lawfully authorised, and proper payment is made where appropriate. Outside work is not to be carried out within the hours of work for the employee's CTW position.
- If there are facts and circumstances known to the General Manager that create a reasonable suspicion, that an employee may be engaged in private employment or contract work outside the service of CTW that relates to the business of CTW or might conflict with the member's CTW duties, and that work or employment has not been notified to the General Manager in accordance with these guidelines, the General Manager may, by request in writing, require the employee to disclose any secondary employment and any reasonable particulars relating to that employment.
- Employees who are considering entering into outside work should think about the following:
 - Is the outside organisation, person or entity in, or entering into a contractual relationship with CTW?
 - Is CTW in a regulatory relationship with the outside organisation, person or entity?
 - Will the hours of work conflict in any way with his/her CTW 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 be 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 CTW's image and credibility?
 - Will performance of the outside work require release of confidential information, which 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 CTW 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.

- The General Manager will not unreasonably prohibit outside work.
Where the General Manager does not prohibit the outside work, that decision will be valid for no more than one year and will be reviewed annually in June. Previous decisions will not necessarily be continued, although a decision to prohibit will not be made without reasonable grounds.

- A notification that has not been prohibited in the past may be prohibited in the future if:
an employee is transferred to another position or location within CTW and the paid work being undertaken conflicts with the employee's CTW duties in the new position or location; or 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 affect the employee's health, safety or attendance for duty.
- Breaches of these Guidelines 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.
- The General Manager reserves the right to vary or revoke these guidelines.
 - i. Notification of secondary employment is to be made in 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 staff inductions.
 - ii. Where outside work has not previously been prohibited, any change to the conditions of the outside work, which could result in a conflict of interest arising, must be advised by completion of a new Notification Form (Annexure A) as soon as the changed conditions become known.
 - iii. The General Manager will keep a log of Notifications of Secondary Employment. Each notification will be endorsed with the General Manager's decision and a copy forwarded to the employee.
 - iv. Initial decisions will be for the period from the date of notification to the next anniversary of the common review date. Thereafter, decisions will be for 12 months from the date of the common review period.
 - v. Employees will be advised of the General Manager's decision by return of a copy of the appropriately endorsed notification. Employees who have been advised that the General Manager prohibits them from engaging in outside work, must cease this work within fourteen days, or at a later date as approved in writing by the General Manager. The General Manager will base his/her decision to approve delayed termination of prohibited outside work on the circumstances of the particular case.
 - vi. Delayed termination of outside work will not be approved if a clear conflict of interest situation is currently evident. To apply for delayed termination, the employee should apply in writing to the General Manager within fourteen days of receiving the prohibition, stating the circumstances, and any matter he/she wishes the General Manager to take into account when considering the matter.
 - vii. Decisions will be reviewed annually in June. The common review date will be the 1 July for all notifications.
 - viii. The purpose of the review is to ascertain if circumstances warrant continuation or prohibition of the outside work.
 - ix. If the outside work is not prohibited, the employee will be advised in writing by the General Manager.
 - x. 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 in writing.

xi. Any appeal against a decision by the General Manager or his/her delegate to prohibit outside work, should be dealt with by way of Council's Grievance and Dispute Handling Policy and Procedure.

Annexure A



CENTRAL TABLELANDS WATER SECONDARY EMPLOYMENT POLICY – CTW PR035 SECONDARY EMPLOYMENT NOTIFICATION FORM

TO BE COMPLETED BY EMPLOYEE:

EMPLOYEE NAME		
POSITION		
DO YOU HAVE A SECONDARY EMPLOYMENT? (IF YES FILL IN ANNEXURE B)	<input type="checkbox"/> YES	<input type="checkbox"/> NO

EMPLOYEE CERTIFICATION

- I have read and understood the secondary employment policy.
- Failure to provide accurate information regarding my secondary employment approval request or to follow all policies regarding secondary employment may be considered unacceptable personal conduct which could subject me to disciplinary action up to and including dismissal.

Employee Signature

Date

RECEIVED BY:

Supervisor Name: _____

Supervisor Position: _____

Note: payroll to place form to personnel file

Annexure B



CENTRAL TABLELANDS WATER SECONDARY EMPLOYMENT POLICY – CTW PR035 SECONDARY EMPLOYMENT NOTIFICATION FORM

NAME OF SECONDARY EMPLOYER		
DUTIES TO BE PERFORMED		
WORK SCHEDULE (TIME START/END)		
ESTIMATED TIME REQUIRED (HOURS, DURATION, DAYS PER WEEK):		
EXPECTED START DATE		
EXPECTED END DATE		
MAIN BUSINESS ACTIVITY OF OUTSIDE ORGANISATION:		
DOES THE PROPOSED OUTSIDE WORK EMPLOYER UNDERTAKE OR ARE THEY LIKELY TO UNDERTAKE WORK FOR OR HAVE ANY BUSINESS OR OTHER ARRANGEMENT WITH COUNCIL (IF YES PLEASE EXPLAIN)	<input type="checkbox"/>	<input type="checkbox"/>
YES NO		
IS THERE LIKELY TO BE ANY NEED TO MAKE CHANGES TO YOUR WORK ARRANGEMENTS AT COUNCIL E.G., FLEX DAYS TO UNDERTAKE PROPOSED OUTSIDE WORK, VARIATION OF USUAL START OR FINISH TIMES? (IF YES PLEASE EXPLAIN)	<input type="checkbox"/>	<input type="checkbox"/>
YES NO		
IS THERE LIKELY TO BE ANY USE OF OR PERCEPTION OF USE OF COUNCIL RESOURCES, MATERIALS OR EQUIPMENT OR INFORMATION THAT IS OBTAINED THROUGH YOUR WORK WITH THE COUNCIL IN THE PROPOSED OUTSIDE WORK? (IF YES PLEASE EXPLAIN)	<input type="checkbox"/>	<input type="checkbox"/>
YES NO		
IS THERE LIKELY TO BE ANY OTHER CONFLICT OR PERCEIVED CONFLICT OF INTEREST BETWEEN THE PROPOSED OUTSIDE WORK AND YOUR COUNCIL DUTIES AND/OR COUNCIL BUSINESS? (IF YES PLEASE EXPLAIN)	<input type="checkbox"/>	<input type="checkbox"/>
YES NO		
FOR PART TIME AND CASUAL EMPLOYEES ONLY:		
WHAT IS YOUR PRIMARY EMPLOYMENT (E.G. MAJOR INCOME SOURCE)? PLEASE EXPLAIN		

EMPLOYEE CERTIFICATION

I Certify that:

- I have read and understood the secondary employment policy.
- My secondary employment will not have an impact on, and will not create any possibility of conflict with, my primary employment.
- Failure to provide accurate information regarding my secondary employment approval request or to follow all policies regarding secondary employment may be considered unacceptable personal conduct which could subject me to disciplinary action up to and including dismissal.
- Secondary employment information is public and may be disclosed to third parties.

Employee Signature

Date

TO BE COMPLETED BY SUPERVISOR

- The secondary employment listed above does not conflict with the employee's primary employment or present work performance issue.
- The request is denied because it presents a conflict of interest with the employee's primary employment.
- The request is denied because it interferes between the employee's ability to perform all expected duties.
- The request is being forwarded to the General Manager for further approval.

Supervisor Name

Signature

Date

TO BE COMPLETED BY GENERAL MANAGER

- The request is approved.
- The request is denied because it presents a conflict with Council operations.

Signature

Date

Organisation Development:

- Original to personnel file
- Copy to Secondary Employment Register
- Register copy to employee.