

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY: 3.04.19 OUTSIDE EMPLOYMENT (“Moonlighting”)

- A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives and operations of the Board.
- B. Under this policy, “employment conflicts” are defined as the impairment of an employee’s ability to perform the duties of his/her position with the Board. Two common employment conflicts, which may arise, are:
 - 1. Time conflict - when the working hours required of a secondary job directly conflict with the scheduled working hours of the employee’s job with the Board, or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality of the employee’s job performance with the Board.
 - 2. Interest conflict - when the employee engages in outside employment which tends to compromise his/her judgment, actions and/or job performance with the Board or which impairs the Board’s reputation in the community, or breeches confidentiality rules. Interest conflict can also mean a violation of the Ohio ethics laws for public employees.
- C. Full-time employment with the Board shall be considered the employee’s primary occupation, taking precedence over all other occupations.
- D. Outside employment, or “moonlighting,” shall be a concern to the Superintendent only if it adversely affects the job performance of the employee’s duties with the Board or constitutes a conflict of interest or violation of ethical standards.

Ohio has laws that define and prohibit certain activities on the basis of them being unethical. These include, but are not limited to:

- 1. Representing a client or acting in a representative capacity for any person on any matter in which the employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other substantial exercise of administrative discretion. This applies during employment and for the 12 months after separation. (ORC 102.03)
- 2. Holding any position of profit in the prosecution of a public contract that was authorized by the employee or a governing body of which he/she is a member unless the contract was let by competitive bidding to the lowest and best bidder. (This particular conflict is considered criminal in nature and is found in ORC 2921)

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3. Being also an employee of any agency contracting with the county board who has an ownership interest, performs administrative duties for or is on the governing board of an agency providing specialized services. (ORC 5126.0221)
- E. Should it become apparent that an employee's outside employment is adversely affecting his/her job performance, the Superintendent may request that the employee refrain from such activity. Any conflict, policy infraction or other specific offense which is the direct result of an employee's participation in outside employment shall subject him/her to discipline in accordance with the policies of the Board.
- F. The Superintendent may request an opinion from the Scioto County Prosecuting Attorney on any specific question concerning conflict of interest.