



CUMBERLAND  
CITY COUNCIL

# Secondary Employment Policy

## AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	<i>POL-041</i>
<b>Policy Owner</b>	<i>Director Finance &amp; Governance</i>
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Council recognises that employees may engage in outside employment with another organisation and while there is nothing inherently wrong in secondary employment it can give rise to:

- possible conflict of interest; in regards to actual or perceived conflicts of interest with the employee's Council duties
- misuse of Council resources, information, equipment or facilities
- opportunities for corrupt conduct
- complaints from the public
- adverse effect on an employee's performance of their duties at Council including WHS risks such as fatigue

It is important for the public to be confident employees always give priority to their Council duties and do not use Council time, resources, facilities, equipment or information to do work outside of Council.

This document applies to all employees of Council including permanent, limited tenure, temporary and casual, and sets out the requirements of Council in relation to employees wishing to undertake secondary employment with another organisation. The principal responsibility of an employee is to ensure their secondary employment does not adversely affect them fulfilling the duties and responsibilities of their position at Council.

### **DEFINITION OF SECONDARY EMPLOYMENT**

For the purpose of this document "secondary employment" means:

- Any paid employment with another person or organisation outside council and includes self-employment, independent contracting or consultancy services to someone outside of council, or employment by a family company. Self-employment includes any development activity on property other than the employee's principal place of residence
- employment already held by a person at the time of their initial employment by Council
- unpaid or voluntary work are not regarded as secondary employment, however conflict of interest issues may still arise and must be addressed if they do

### **CONFLICT OF INTEREST**

A conflict of interest involves a situation arising between the performance of a public duty and private/personal interests. It occurs when the private interests of an employee comes into conflict with the employees duty to act in the best interest of the Council. Secondary employment will not be approved if the Council considers that an employee may or could be influenced by a personal interest when carrying out their duties.

### **RESPONSIBILITIES**

Any employee who is considering outside employment or contract work must seek the approval of the General Manager, in writing, before taking up the outside employment or contract work. **It is the employee's responsibility to notify.**

Any employee who has a company and/or a website must mention that work in Cumberland Local Government Area (LGA) is excluded.

An approval for secondary employment is normally given to the employee only when outside employment or business does not:

- conflict with their official duties
- interfere with their Council work
- involve using confidential information or Council resources obtained through their work with the Council
- require them to work while on Council duty
- discredit or disadvantage the Council
- impair their personal health or efficiency

The application process will be to:

1. provide a written application to the General Manager using the “Secondary Employment Application Form”, located on the intranet and also attached to this policy.
2. advise the Director details of the outside employment and keep them informed of any changes.
3. if required, a personal interview will be held with the employee along with the General Manager and/or Director.
4. approval or non-approval will be provided by written advice from the General Manager
5. re-approval may be sought at the beginning of each financial year

In the instance where non-approval has been given, the staff member may request a review of the decision and may have a support person or union representative present.

A record of the approval will be provided to the respective Director and placed on staff files.

### **EXAMPLES WHERE SECONDARY EMPLOYMENT MAY NOT BE APPROVED**

- An Environmental Health Officer seeking weekend work in a take-away food shop where a report on health conditions may have to be given in the future.
- A staff member who obtains quotes for, and is involved in the construction of driveways for Council is working part-time for another organisation which is a provider to Council for the construction of driveways.
- A manager who is involved in building maintenance activities arranges Council plumbing work to be performed by a company owned by himself and his brother.
- A Development Officer undertaking development activities within the Cumberland Local Government Area (LGA).
- A staff member who has a night job which could affect the efficient performance of their normal duties or their health and safety.
- A staff member with a Council vehicle using it in their own business, including but not limited to, ride sharing (eg. Uber) and food delivery (eg. Uber eats).
- A Rates Officer working part-time for a Debt Collection Agency has access to confidential Council information which could be used by the Agency.
- A Development Officer working weekends in a property development or real estate office.
- A staff member operating an internet business during working hours.

### **BREACHES OF THIS DOCUMENT**

- Any breaches of this document will be dealt with in accordance with the Disciplinary Procedures within the Local Government (State) Award.
- Any failure to seek approval of secondary employment shall be corrected immediately it is discovered.
- Any failure to seek approval of secondary employment which involves a significant conflict of interest or significant undisclosed use of Council resources (including the employee’s time) shall make the employee liable to an allegation of misconduct.
- Any failure, of the degree described in the above point, shall be reported to the NSW Independent Commission Against Corruption.

All applications must be made to the General Manager. The General Manager cannot give delegated authority to another officer to approve secondary employment requests. Any approvals granted by others, provided in writing or verbally, are not official.

### **RELATED DOCUMENTS**

Code of Conduct

Local Government Act 1993, Chapter 11, Section 353 – Other Work

Local Government (State) Award