

Policy and Procedure 8-7

Secondary Employment, Volunteering and Elective Office

Issued By:	Robert W. Farrell, State Forester
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Codes/Mandates:	Code of Virginia: §2.2-Chapter 29. Virginia Personnel Act Code of Virginia: §2.2-Chapter 31. State and Local Government Conflict of Interests Act Public Law 76-252, the " Hatch Act "
References:	Department of Human Resource Management Policy 1-60 – Standards of Conduct Department of Human Resource Management Policy 4.40 – Volunteer Service Leave VDOF Policy and Procedure 4-2 Emergency Incident Assignments
Forms:	Form 8.15 Secondary Employment Authorization

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PURPOSE

To establish a process for the submission, review and approval of requests for secondary employment, whether paid or unpaid, to ensure minimal disruption to agency operations. To provide guidance regarding participation in community service and volunteer activities or an agency employee running for elective office.

POLICY

The Virginia Department of Forestry (i) supports secondary employment by its employees, (ii) encourages its employees to become involved in volunteer community and fire and rescue organizations, and (iii) respects the right of its employees to participate in voluntary, partisan political activities but shall remain neutral with respect to such activities.

Employee participation in secondary employment, volunteer activities or political activities shall not (i) detract from the employee’s ability to fulfill the duties and responsibilities indicated in his or her Employee Work Profile; (ii) adversely impact the agency’s ability to fulfill its mission or the delivery of its services; (iii) result in a violation of the Virginia

Personnel Act, the State and Local Government Conflict of Interests Act, or the Standards of Conduct, or (iv) sully the reputation and good standing of the agency.

DEFINITIONS

“Agency” and **“VDOF”** means the Virginia Department of Forestry.

“Employee” means any individual working for the Virginia Department of Forestry for pay. It includes classified full-time employees and classified restricted employees, probationary employees and wage employees, regardless of funding source.

“Executive Leadership Team” means the state forester, deputy state forester, chief of administration, chief of operations, director of human resources and director of public information.

“Secondary Employment” means additional employment for which compensation is paid by an external party to an employee of the Virginia Department of Forestry while said employee is also employed by the agency. It does not include volunteer work from which only incidental or no pay is derived, nor does it include emergency incident assignments as contemplated in Policy and Procedure 4-2 Emergency Incident Assignments.

“Standards of Conduct” means Department of Human Resource Management Policy 1-60.

“State and Local Government Conflict of Interests Act” means Chapter 31 of Title 2.2 of the Code of Virginia.

“Virginia Personnel Act” means Chapter 29 of Title 2.2 of the Code of Virginia.

PROCEDURES

Secondary Employment

Prior Authorization Required

- ◆ Before an employee engages in secondary employment, the employee shall request and obtain approval through his/her chain of command. Form 8.15 Secondary Employment Authorization will be used for this purpose.
- ◆ In the case of new employees who are already engaged in outside work that would be considered secondary employment under this policy and procedure, the new employee shall request the necessary approval through his/her chain of command no later than 30 days after hire date by submitting Form 8.15.

Review and Determination

- ◆ Employees wishing to pursue secondary employment shall complete and submit Form 8.15 to their immediate supervisor. The immediate supervisor will indicate his/her approval or denial of the request and forward it to the respective member of the agency’s executive leadership team for a final decision. The decision will be communicated to the immediate supervisor for subsequent communication to the requesting employee.
- ◆ The original Form 8.15, regardless of approval or denial, will be retained by the Human Resource Office and placed in the employee’s personnel folder. A copy of the form will be provided to the requesting employee.

Duration

- ◆ Once approved, the permission to work secondary employment will remain in effect (i) for the duration of the secondary employment provided that such secondary employment continues to be consistent with all applicable provisions of this policy and procedure, or (ii) until rescinded for cause.
- ◆ Employees shall inform their immediate supervisor within 30 days of when the secondary employment ends.

Prohibited Practices

- ◆ Employees shall not use agency assets such as vehicles, tools, information technology devices, supplies, etc., in the performance of secondary employment.

- ◆ Employees shall not purchase or sell timber or timberland (i) as part of a business venture that may be construed as competition to established timber dealers, or (ii) through contacts made in the performance of their duties.

Federal Fire Assignments

- ◆ Federal fire assignments are not considered secondary employment for purposes of this policy and procedure. Such assignments are subject to the provisions of Policy and Procedure 4-2 Emergency Incident Assignments.

Rescission of Authorization for Secondary Employment

- ◆ The agency reserves the right to rescind an employee's authorization for secondary employment for cause.
- ◆ Approval of secondary employment does not exempt employees from being required to work additional hours in the case of positions that have emergency response obligations.

Volunteer Activities

Membership and Participation

- ◆ Is encouraged as long as volunteering responsibilities do not interfere with conditions of employment and duties.
- ◆ Is encouraged when participation fosters community development in support of local, state and national level relationships and readiness.
- ◆ Attendance may qualify under the School Assistance and Volunteer Service Leave (CS) leave program not to exceed 16 hours per DHRM Policy 4.40.

Prohibited

- ◆ If interferes with employee's assigned and required duties or responsibilities.
- ◆ If interferes with employee's ability to meet VDOF obligations within the COV Emergency Operations Plan.
- ◆ If volunteer organization's meetings or training occurs during previously scheduled VDOF duty hours.

The Commonwealth of Virginia Emergency Operations Plan – Fire Services (ESF-4)

- ◆ The Commonwealth tasks VDOF with the control of wildland fires and assignment of specific duties to agency employees.
- ◆ Requires employees not to become involved in volunteering opportunities to the extent that they are unable to report to duty for the agency's obligation in this plan.
- ◆ Emphasizes that full-time Commissioned Special Forest Wardens must ensure that their primary obligation during emergencies is under their role and responsibilities at VDOF; and they must be ready and available to respond to such emergencies within the parameters of the "readiness plan".

Elective Office

For purposes of this section, "partisan" election means an election in which the candidates represent political parties. Conversely, "nonpartisan" election means an election in which none of the candidates represents a political party or receives endorsements from a political party.

The agency shall remain neutral in the case of employees who wish to run for elective office, whether in partisan or non-partisan elections.

Employees may run for elective office subject to the following stipulations:

- ◆ If the employee is assigned to a program area in the agency that receives all of its funding from the federal government, the "Hatch Act" provides that the employee may generally not be a candidate for elective office in a partisan election.

- ◆ If the powers, duties and responsibilities of the elective office for which the employee is running, whether in a partisan or nonpartisan election, could reasonably be expected to cause a conflict of interest with respect to the employee's duties and responsibilities indicated in his or her Employee Work Profile, the agency may insist that the employee discontinue his or her employment with the agency.

Before running for elective office, employees are strongly urged to consult with the director of human resources to ensure their plans are consistent with the terms and provisions of this policy and procedure.

Monitoring

Supervisors must monitor their subordinates' secondary employment, volunteering or public office activities to ensure compliance and to prevent violation of this policy.

AUTHORITY

This policy and procedure is issued by the Virginia state forester.

INTERPRETATION

The director of human resources and deputy state forester are responsible for the interpretation of this policy and procedure.

APPROVAL

I certify that this policy and procedure is approved and ready for publication.

Hector Rivera

Director of Human Resources Name (Print)

Director of Human Resources Signature

John Colligan

Chief of Administration Name (Print)

Chief of Administration Signature

Ed Zimmer

Deputy State Forester Name (Print)

Deputy State Forester Signature