

FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

September 19, 2008

REGULATION TITLE:

Outside Employment/Activities

REGULATION NO.:

FGCU-PR5.012

SUMMARY:

The regulation, Outside Employment/Activities is being updated to reflect current practice and nomenclature.

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

§1001.74, F.S.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Steve Belcher, Director of Human Services

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Dr. Joseph Shepard, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

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ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE OCTOBER 3, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 19, 2008.



REGULATION: FGCU-PR5.012
Outside Employment/Activities

Effective
Date of
Regulation:

1/15/08

(1) Definitions.

(a) For the purposes of this regulation~~rule~~ "outside employment/activities" includes, but is not limited to, any private practice, private consulting, additional teaching or research, employment or other activity, compensated or uncompensated, which is not part of the employee's assigned duties and for which the University has provided no compensation. ~~and which is not considered "Additional State Compensation."~~

(b) For the purposes of this regulation~~rule~~ "conflict of interest" shall mean any conflict between the private interests of the employee and the public duty or interests of the University, the Board of Trustees~~Regents~~, or the State of Florida, including conflicts of interest specified under Florida Statutes; or any activity whether paid or unpaid which interferes with the full ~~and faithful~~ performance of the employee's professional or institutional responsibilities or obligations.

(2) General. Employees have a primary obligation to the University to perform all duties pertinent to their employment in a full and competent manner. Outside employment or activities that materially interfere with the employee's obligations to the University are deemed a conflict of interest and are prohibited. Where conflict of interest may be an issue, employees are responsible for resolving such conflicts of interest, working in conjunction with their supervisors, before engaging in the outside activity. No

employee shall claim to be an official University representative in connection with any outside employment or activity or use the University's name, proprietary marks or goodwill to promote such employment or activities, unless prior written approval is obtained. The provisions of a collective bargaining agreement shall take precedence over this ~~rule~~ regulation in regards to employees included in a collective bargaining unit. All employees shall observe and fully comply with Part III, Chapter 112, Florida Statutes, "Code of Ethics for Public Officers and Employees".

(3) Use of University Resources. An employee engaging in any outside activity shall not use the facilities, equipment, or services of the University in conjunction with such outside activity without prior approval.

~~(43)~~ Approval of Outside Employment/Activities.

(a) Before an out-of-unit faculty member, A&P or ~~USPS~~ Support Personnel employee engages in outside employment/activities, he/she shall report to their department head or designee, in writing, the details of such proposed activity. Approval of the outside employment/activity shall be provided as follows:~~must obtain the approval of the President or the President's designee. The President's designee is defined as follows:~~

1. ~~For~~ for out-of-unit faculty members, the Provost and Vice President for Academic Affairs.
2. ~~f~~For A&P employees, the respective Vice President for the department/unit.
3. ~~f~~For Support Personnel~~USPS~~ employees, the department head.
4. for direct reports to the President, the President. ~~(b).—The President or the President's designee shall determine whether the proposed outside employment~~

~~constitutes a conflict of interest or other interference with the employee's duties or the nature of the work performed.~~

(~~b~~e) The collective bargaining agreement for in-unit faculty provides criteria by which a faculty member's Report of Outside Employment/Activity will be reviewed by the University.

(~~c~~d) The following test shall be used to consider a request by out-of-unit faculty, A&P and ~~USPS~~ Support Personnel employees to engage in outside employment:

~~1. Whether~~ 1. Whether the outside employment or activity, regardless of whether it is compensated or uncompensated, will reasonably and materially interfere with the full performance of the employee's University duties, i.e., hours/days available for work, timeliness in reporting to or departing from work, quantity or quality of work performed, frequent short-notice requests for accrued annual leave or, misuse/abuse of sick leave;

~~2. or whether the outside employment/activity~~ 2. Whether the outside employment/activity affects the employee's ability to meet prescribed standards of conduct;

~~3. or whether such outside employment/ activity~~ 3. Whether such outside employment/ activity is contrary to the goals and purposes of the employee's position.

(45) Authorization and Annual Reporting Requirement.

(a) At the time of hire, all employees must attest in writing to their involvement in outside employment and their understanding of reporting requirements for future outside employment/activity. Annually, thereafter, each employee involved in an outside employment/activity shall be required to report and receive approval to be engaged in the employment/activity by completing the prescribed University form. ~~However, t~~The

reporting provisions of this ~~regulation rule~~ shall not apply to compensated or uncompensated activities performed wholly during a period in which the employee has no appointment ~~activities performed wholly during a period in which the employee is assigned no compensated duties~~ with the University.

(b) Authorization for outside employment/activities is granted for a specific period of time, not to exceed one year ending June 30. If outside employment is to extend beyond June 30 or to exceed one year, a new report/request form application ~~must be submitted prior to July 1 of each new fiscal year.~~

(5) An employee shall be notified in writing as soon as practicable when a determination has been made that proposed outside employment or activities constitute a conflict of interest or will materially interfere with the employee's duties.

~~Specific Authority 240.227(l) FS. Law Implemented 240.227(5), 240.227(19) FS. History -- New 4-17-97.~~

Law Implemented:

§1001.74, F.S.

History of Rule:

New 04/17/97

History of Regulation:

New 1/15/08; Amended

Effective Date of Regulation: