



REGULATION: FGCU-PR5.012

Effective
Date of
Regulation:

Outside Employment / Activities

4/17/1997

- (1) Definitions.
 - a. For the purposes of this rule "outside employment" 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 rule "conflict of interest" shall mean any conflict between the private interests of the employee and the public interests of the University, the Board of Regents, or the State of Florida, including conflicts of interest specified under Florida Statutes; or any activity 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 prohibited. 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 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) Approval of Outside Employment/Activities.
 - a. Before a faculty member, A & P or USPS employee engages in outside employment/activities, he/she must obtain the approval of the President or the President's designee. The President's designee is defined as follows:
 - i. For faculty members, the Vice President for Academic Affairs.

- ii. For A & P employees, the respective Vice President for the department/unit.
 - iii. For USPS employees, the department head.
 - 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.
 - c. The collective bargaining agreement for faculty provides criteria by which a faculty member's Report of Outside Employment will be reviewed.
 - d. The following test shall be used to consider a request by A & P and USPS employees to engage in outside employment: 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, misuse/abuse of sick leave, or affect the employee's ability to meet prescribed standards of conduct, or whether such outside employment or activity is contrary to the goals and purposes of the employee's position.
- (4) 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. However, the reporting provisions of this rule shall not apply to 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 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(1) FS. Law Implemented 240.227(5), (19) FS. History-New 4/17/97.