

POLICY REGISTER

SECONDARY EMPLOYMENT POLICY

Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed: 27th April 2023 Minute No. 91.4.23

File Ref: P13-1, S12-1

DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	Reviewed by Gary Woodman General Manager	Amendments and adjustments to Policy regarding relevant Clause numbers and stipulating the form must be completed and lodged annually by 30 June.	Council Minute No. 91.4.23 (27th April 2023)

PURPOSE/OBJECTIVES

To provide the framework for controlling secondary employment within Warren Council. To ensure that the provisions of the *Local Government Act 1993* are met in relation to managing secondary employment.

SCOPE

This Policy applies to all staff members of Warren Council.

POLICY STATEMENT

1. Notification and Application for Secondary Employment

- (a) An existing staff member who seeks secondary employment, must, before they accept that position, or engage in any form of work outside the service of Council, seek approval from the General Manager. Where a new staff member already has other employment at the time of commencing work with Council, this employment must be disclosed and approval sought from the General Manager immediately.
- (b) Employees must seek renewal of any approval for secondary employment:
 - I. On the General Manager's request;
 - II. When they change their work position or location;
 - III. When the nature of the secondary employment activity changes.
- (c) Further, notification and application for the approval of secondary employment must be made on the Secondary Employment Declaration form (see attachment 1 to this policy). The Secondary Employment Form must be completed and lodged annually (by 30 June of any year whilst secondary employment continues). Approval will be made by the General Manager on an annual basis.

2. Engaging in Secondary Employment

- (a) Employees must not engage for remuneration, in private employment or contract work outside the service of Council that relates to the business of Council or is work that might conflict with the member's Council duties unless he or she has notified the General Manager in writing (section 353 (2) *Local Government Act* – the LGA and clause 5.24 of Council's Code of Conduct)
- (b) The General Manager may prohibit a member of staff from engaging in private employment or contract work outside the service of Council that relates to the business of Council or is work that might conflict with the member's council duties or is work that might conflict with the member's council duties – section 353 (3) of the LGA.
- (c) Pursuant to clause 5.27 of the Code of Conduct, as a staff member, you must ensure that any outside employment or business that you in engage in will not:
 - I. Conflict with their official duties;
 - II. Involve using confidential information or council resources obtained through their work with the Council including where private use is permitted
 - III. Require them to work while on Council duty;
 - IV. Discredit or disadvantage the Council;
 - V. Pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

- (d) A member of staff must not engage, for remuneration, in private employment or contract outside the service of Council if prohibited from doing so as prescribed at paragraph 2(b) of this policy.
- (e) The General Manager must not engage, for remuneration, in private employment or contract work outside the service of the Council, without the approval of Council.

3. Determination

- (a) The General Manager will determine all applications for secondary employment (other than his/her own). The General Manager may make any inquiries he or she deems necessary to make such a determination. An approval may be subject to any terms and conditions deemed appropriate by the General Manager. Any prohibition finding will list the reasons for such a decision.
- (b) The following factors should be considered in any determination:
 - The potential for conflict with the employee's Council duties;
 - The hours of work required in the secondary employment and the likelihood of any impact on the employee's normal duties;
 - The likelihood of public perception of a conflict of interest between the employee's secondary employment and their Council position/duties;
 - Risk of using Council resources to fulfil or conduct the employee's secondary employment duties.

4. PROCEDURE

Employee

- I. The employee must complete the prescribed Secondary Employment Declaration form (attachment 1 to this policy).
- II. The employee must forward the completed Declaration form to the General Manager.
- III. The Secondary Employment Form must be completed and lodged annually (by 30 June of any year whilst secondary employment continues). Approval will be made by the General Manager on an annual basis.

General Manager

- I. The General Manager will make appropriate inquiries (if necessary) and determine the secondary employment or contract work request and attach any conditions deemed necessary. This will be undertaken on an annual basis.
- II. If the request is refused, the reasons for refusal are to be recorded with the declaration form.
- III. The employee is advised in writing of the decision and provided with the reasons if the request is refused.
- IV. The determination is sent to HR and is recorded on the employee's personnel file.

DEFINITIONS

Secondary Employment – is when a staff member employed by Council does work (whether contract, self-employed, part time, casual or other) for oneself, another person or an organisation.

Conflict of Interest – exist when a Council employee could be influenced, or a reasonable person would perceive that the employee could be influenced by a personal interest, relating to the employee or others, when carrying out their public duty.

REVIEW

This policy should be reviewed every 4 years or within 12 months of a Council election. The policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

Appendix 1 – Secondary Employment Application Form



Secondary Employment Application Form

Name:	
Current position:	
Name of outside organisation:	
Title of outside position:	
Estimated time required: (hours duration, days per week)	
Start and end date of proposed outside work:	
Main business activity of outside organisation:	
Please describe the nature of the proposed outside work:	
Does the proposed outside work employer undertake or are they likely to undertake work for or have any business or other arrangement with Council?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
Is there likely to be a need to make changes to your work arrangements at Council e.g. flexi days to undertake proposed outside work, variation of usual start or finish times?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
Is there likely to be any use of or perception of use of Council resources, materials or equipment or information that is obtained through your work with the Council in the proposed outside work?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
Is there likely to be any other conflict or perceived conflict or interest between the proposed outside work and your Council duties and/or Council business?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
For Part Time and Casual Employees only: What is your primary employment (e.g. major income sources)? Please explain.	
Employee Declaration: That the above information is accurate and correct.	
Signature:	Date:



Secondary Employment Application Form

Supervisor's Comments:		
Signature:		Date:
Divisional Manager/Manager Comments:		
Signature:		Date:
General Manager's Determination	<input type="checkbox"/> Prohibited	<input type="checkbox"/> Not Prohibited
Reason:		
Signature:		Date:
Office use:	<input type="checkbox"/> Original to Personnel File <input type="checkbox"/> Copy to Secondary Employment Register <input type="checkbox"/> Copy to employee	

General Manager Comment:

This approval is only for 12 months from date of approval of this application, on expiry you are requested to submit another application for secondary employment.