



OFFICE OF THE SECRETARY

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SECRETARIAL DIRECTIVE

SUBJECT: Secondary Employment

NUMBER: 2022-06

SUPERSEDES: SD 2020-02

APPLICABILITY: All Department of Corrections Employees

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REFERENCE: A.C.A §§ 6-63-307, 16-93-201, 19-4-1604, 21-8-203, 21-8-204, 25-43-105, 25-43-108, 25-43-403; SD on Employee Conduct Standards, SD on Employment; OPM Policy #37 Concurrent Employment

APPROVED: Original signature on file

EFFECTIVE DATE: 6/28/2022

I. POLICY

As the executive head of the Arkansas Department of Corrections (Department), it is the responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, or directives issued by the Department. As a Department employee, your primary work duties, obligations, and responsibilities are to the Department. When permission is granted, staff may engage in Secondary Employment within the guidelines established by this directive and state policies regarding Concurrent Employment.

II. DEFINITIONS:

- A. Concurrent Employment. Any state-funded position a Department employee holds outside of their official job duties within their position at the Department of Corrections. This includes any teaching position held with a state-funded institution or entity.
- B. Outside Employment. Any non-state funded position an employee holds outside of their official job duties within their position at the Department provided the employee receives approval from their supervisor and Central Human Resources Administrator (CHRA) and the outside employment is not otherwise prohibited by law or Department policy.
- C. Secondary Employment. Any paid Concurrent Employment or Outside Employment position an employee holds outside of their official duties within their position at the Department.

III. PROCEDURES:

A. General Procedures

1. Employees in certain positions are subject to be called in to work as necessary. For example, an employee may be called in when there is an emergency or staff shortage. In such instances, if an employee is called in while they are working at their approved Secondary Employment position, they are expected to leave that job and report to their Department position.
2. Employees must receive approval from the specified chain of command as outlined in procedures in this directive prior to engaging in any Secondary Employment position.

3. Pursuant to A.C.A. § 16-93-201, members of the Parole Board may engage in Secondary Employment that has a limited time commitment with approval from the Chair of the Parole Board. Members must seek approval following the procedures outlined in this directive.
4. Employees are responsible for notifying their supervisor of any changes in Secondary Employment. Employees must submit a Notice of Secondary Employment form (Attachment #2) to their supervisor annually or any time there is a change in their Secondary Employment position.
5. The CHRA or their designee shall send an employee and their supervisor a notice that the Notice of Secondary Employment form (Attachment #2) must be completed no less than thirty (30) days prior to the annual anniversary of the date their Secondary Employment Request form (Attachment #1) was approved. If the Notice of Secondary Employment form (Attachment #2) is not received by Human Resources following the procedures outlined in this directive, any existing Secondary Employment approval will expire on its approval anniversary.
6. The Notice of Secondary Employment form (Attachment #2) must be completed annually and submitted to an employee's supervisor even if there is no change to their Outside or Concurrent Employment. Supervisors shall forward the completed Notice of Secondary Employment form (Attachment #2) to the CHRA or their designee. The CHRA or their designee will scan the completed form into Laserfiche to be retained for the employee's record.
7. Outside Employment denials may only be overridden by the Secretary, Division Director, or their designee. Employees may request additional review and consideration of a denial within five (5) business days of the notification of the CHRA's decision. Requests for additional review must be submitted in writing to an employee's supervisor. Supervisors must forward these requests to the CHRA. The CHRA or their designee will forward the request to the Secretary, the appropriate Division Director, or their designee along with the original Secondary Employment Request form (Attachment #1) and documentation citing reason(s) for denial.
8. Concurrent Employment requests that are denied cannot be overridden or appealed.
9. Staff are prohibited from reporting to work with their Secondary Employment position while in leave status with the Department for catastrophic, family, medical, workman's compensation, or sick leave if the essential job functions for their secondary or concurrent employer require the employee to perform essential job functions that reflect those with their official role with the Department.
 - a. For example, an employee whose responsibilities with the Department include physical labor could not use leave to work at their Secondary Employment position if their secondary employer also requires the employee to engage in physical labor as part of their assigned duties.
10. Employees must notify their local or Central Human Resources and their supervisor of their intention to work at their Secondary Employment position prior to taking leave status with the Department.

B. Outside Employment

1. Department employees must obtain approval before working a Secondary Employment position by completing and submitting the Secondary Employment Request form (Attachment #1) to their supervisor.

2. Whether approved or denied by their supervisor, the employee's completed Secondary Employment Request form (Attachment #1) will be forwarded to the CHRA for review.
3. Supervisors must include documentation citing their reason(s) for their decision regarding an employee's Outside Employment request and submit this documentation to the CHRA with the employee's completed Secondary Employment Request form (Attachment #1).
4. The completed Secondary Employment Request form (Attachment #1) will be approved or denied by the CHRA. The supervisor will be emailed the CHRA's decision to be disseminated to the employee.
5. The CHRA or their designee will scan the Human Resources Administrator's decision along with the original request form and documentation citing reason(s) regarding an employee's Outside Employment request into Laserfiche whether it is approved or denied to be retained for the employee's record.
6. Employees must promptly notify their supervisor about relevant changes in their Outside Employment position by completing a Notice of Secondary Employment Form (Attachment #2).
7. Outside Employment cannot pose a conflict to employment with the Department, Department operations, negatively reflect the Department, or adversely affect one's ability to perform duties for the Department.
8. Staff are prohibited from using Department issued identification or equipment during Outside Employment.

C. Concurrent State-Funded Employment

1. In addition to following the rules of Outside Employment outlined in this policy, Employees must have prior approval from their supervisor, CHRA, appropriate Division Director, the Secretary, and the Office of Personnel Management (OPM) through the Department of Transformation and Shared Services prior to engaging in any Concurrent Employment. Employees may refer to OPM Policy #37 for additional information regarding Concurrent Employment.
2. All Department employees who work a Concurrent Employment position are required to disclose each source of income that is greater than \$500 earned in a calendar year from sources other than their regular salary from employment rendered for any agency to the Secretary of State's Office on or before January 31st.
3. Employees may work a Concurrent Employment position for the Department and an educational institution provided that the procedures outlined in this section are followed and a request is made by the Department or educational institution to the director of the Division of Higher Education. The combined salary payments cannot exceed the larger maximum salary of the grade.
 - a. Department employees may temporarily teach at a state supported institution of higher education and be compensated in an amount that exceeds the larger maximum annual salary. For more information about Concurrent Employment with an institution of higher education, see §A.C.A. 6-63-307 or contact the Division of Higher education.
4. A completed Secondary Employment Request form (Attachment #1) and the OPM Concurrent Employment Action form must be submitted by an employee to their supervisor to request Concurrent Employment approval. This form may be obtained from the Central Human Resources Office or online through the Transformation and Shared Services website at <https://www.transform.ar.gov/personnel/resources/forms/> .

5. The employee's supervisor will forward the completed Secondary Employment Request form (Attachment #1) and Concurrent Employment Action form with their decision and documentation citing the reason(s) for a supervisor's decision to approve or deny Concurrent Employment to the CHRA for review.
6. The completed Secondary Employment Request form (Attachment #1) and Concurrent Employment Action form will be reviewed and approved or denied by the CHRA. The supervisor will be emailed the CHRA's decision to be disseminated to the employee.
7. If Concurrent Employment is approved, the CHRA or their designee must forward the Secondary Employment Request form (Attachment #1) and the Concurrent Employment Action form to the Secretary for approval.
8. Upon approval from the Secretary, the Concurrent Employment Action form will be forwarded to OPM requesting approval from the Secretary of the Department of Transformation and Shared Services.
9. In addition to the Department's approval, the Concurrent Employment Action form must be completed and approved by the secondary employer the employee is seeking Concurrent Employment with.
10. The CHRA or their designee will scan the Secondary Employment Request form (Attachment #1) and the Concurrent Employment Action form into Laserfiche to retain for the employee's record whether the request for Concurrent Employment is approved or denied.

D. Supervisors Responsibilities

1. Supervisors are required to be knowledgeable of this policy and related employment policies. They must provide this information upon request to any of their staff members and be available to answer questions their staff may have about Secondary Employment
2. Supervisors must ensure that an employee's secondary job does not conflict with their employment with the Department by maintaining knowledge of their subordinates Secondary Employment position through the completion of the Notice of Secondary Employment Form (Attachment #2). The form must be completed even if there are no changes to be noted.
3. Supervisors have the discretion, consistent with the provisions outlined in this policy, to approve or deny an employee's Secondary Employment request. Supervisors must provide documentation justifying their decision to be submitted to the Central Human Resources Office with the employee's completed Secondary Employment Request form (Attachment #1). The CHRA will review the request and justification for final approval or denial. The supervisor must notify the employee of the final decision made by Human Resources.
4. Supervisors will be contacted by the CHRA when an employee's Secondary Employment Request (Attachment #1) or their Notice of Secondary Employment (Attachment #2) is due to expire prior to thirty (30) days before the annual anniversary. Supervisors must notify employees within thirty (30) days of the annual anniversary of their original Secondary Employment Request form (Attachment #1) and ensure they complete the Notice of Secondary Employment form (Attachment #2) prior to the anniversary of the original request to continue working an approved Secondary Employment position.

IV. ATTACHMENTS

Attachment 1. Secondary Employment Request Form

Attachment 2. Notice of Secondary Employment Form

Department of Corrections
 SHARED SERVICES
 Human Resources



2403 East Harding Ave.
 Pine Bluff, AR 71601
 Phone: (870) 850-8510
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Notice of Secondary Employment

I _____ hold a secondary employment position with _____.
 (PRINT NAME) (ENTITY)

Have any changes been made to your responsibilities with your secondary employment position? **Y** **N**
 (Check One)

If yes, please describe any changes below that have been made to your position with your secondary employer including, but not limited to, schedule changes, job functions, etc., that your supervisor at the Department must be aware of pursuant to the provisions outlined in the Secretarial Directive on Secondary Employment.

 Employee's Signature Date AASIS # Assigned Division

 Supervisor's Signature Date

Forwarded to HR Admin.			
Date		Initial	

 Human Resources Administrator Signature Date

Original Request Received by HR			
Date		Initial	
Scanned into Laserfiche			
Date		Initial	