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Rufus Britt
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David L. Thomas

3440 Harden Street Extension
Columbia, South Carolina 29203
803/898-9600
Toll Free: 888/DSN-INFO
Home Page: www.ddsn.sc.gov

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Title of Document: Outside Employment

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Date of Last Revision: August 19, 2021 (NEW)
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Applicability: All Full-Time Equivalent (FTE), Temporary Grant, Time-Limited and Temporary Employees of the South Carolina Department of Disabilities and Special Needs.

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (DDSN). THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. DDSN RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE

The purpose of this directive is to prescribe the guidelines by which DDSN employees will request and obtain approval for outside employment. Where outside employment creates the appearance of impropriety, conflict of interest or interferes with an employee's ability to perform their DDSN job duties satisfactorily, DDSN maintains the authority to disapprove such outside employment, withdraw approval for such outside employment, and take appropriate disciplinary action, up to and including termination.

POLICY

Employees of the South Carolina Department of Disabilities and Special Needs (DDSN) may not engage in outside employment except as indicated in this directive and associated procedures.

Outside employment is defined as any form of employment, business relationship or activity involving the provision of personal services for compensation, other than in the discharge of official DDSN duties. Activities may include, but are not limited to, consulting, advising, testing, performing analyses, or other similar work performed in addition to official DDSN duties or responsibilities.

This directive addresses outside employment, which is separate from dual employment (S.C. Code Ann. Regs. 19-700 (Supp. 2020)). This directive is in addition to and does not exclude Department employees' responsibilities in accordance with the S.C. Code Ann. § 8-13-700 (Supp. 2020).

General Guidelines

- A. DDSN employees shall not engage in outside employment which interferes with the needs of DDSN or which creates a conflict of interest with employment at DDSN. "Conflict of Interest" for purposes of this directive includes, but is not limited to:
 - 1. Outside employment activity that has an objective contrary to the mission of DDSN, or gives the appearance of having such an objective and/or
 - 2. Outside employment activity with an entity or person with whom DDSN has a business relationship and the employee could use his official office or DDSN employment to obtain economic interest for themselves, any family member, an individual with whom they are associated, or the business with which they are associated.
- B. DDSN employees shall engage in approved outside employment only during non-work hours or when the employee is on pre-approved annual leave, compensatory leave, or holiday leave. This provision in no way affects an employee's right to receive compensation for pre-approved annual leave, compensatory leave or holiday leave.
- C. Employees shall not use DDSN or other state facilities, funds, supplies, equipment, personnel, services, time, or other resources in the course of activities related to outside employment.
- D. Employee shall not represent, nor claim to represent, DDSN, or its employees while engaged in outside employment. The employee shall not claim to establish official DDSN directive or guidelines by participation in any form of outside employment.
- E. Employees shall not engage in outside employment as a consultant to any person or entity in an attempt to circumvent the above described conflicts of interest.

- F. Employees shall not engage in outside employment which constitutes an unauthorized practice for state employees under S.C. Code Ann. § 8-13-700 through § 8-13-785 (2019).
- G. The employee shall not use their position with DDSN, nor any information gained as a result of their DDSN position, to secure, continue, promote, or otherwise affect the outside employment.

Request Procedures

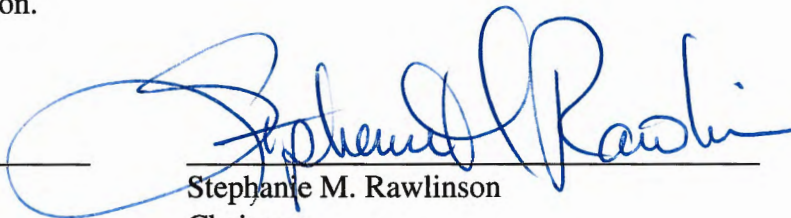
- A. To request approval for outside employment, the employee must submit a completed Outside Employment Request Form to DDSNoutsideemployment@ddsn.sc.gov. Upon submission, the Form will be subject to review by the Office of General Counsel. Approval or disapproval will be issued within five (5) calendar days. The Office of General Counsel may request additional information from the requesting employee, or other DDSN personnel, in order to carefully consider all necessary details concerning the request for approval of outside employment.
- B. If the employee was not engaged in outside employment prior to the effective date of this directive, the employee may accept outside employment; however, the employee must submit the Outside Employment Request Form to DDSNoutsideemployment@ddsn.sc.gov within 30 days of acceptance of any position. The requesting employee will receive written approval or disapproval from the Office of General Counsel within five (5) calendar days.
- C. If the employee was engaged in outside employment prior to the effective date of this directive, the employee must submit a request for approval within 30 calendar days of the effective date of the directive. The employee may not continue the outside employment if such employment is disapproved under this directive. If an employee's outside employment is approved, the employee must reapply for written permission through DDSNoutsideemployment@ddsn.sc.gov if the nature of the outside employment changes at any time. Examples of this include change in outside employment duties, significant work schedule changes, or employer status.
- D. Where the Office of General Counsel denies a request for outside employment, the requesting employee may submit for reconsideration with the DDSN State Director. The employee must submit their request and justification for reconsideration to DDSNoutsideemployment@ddsn.sc.gov within 14 calendar days of the Office of General Counsel's initial denial. Upon submission of a reconsideration request, the State Director shall provide the employee notice of decision to uphold or rescind within 10 calendar days. The decision of the State Director is final and not subject to appeal.

Abuse or Violation

- A. Outside employment is not a justification for poor performance, absenteeism, tardiness, deviation from DDSN's Alternate Work Schedule Directive and Guidelines, refusal to travel, to work overtime per the scope of the employee's position, or different work hours.
- B. Upon consideration of DDSN employment-related directives and all available information from the parties involved, DDSN's approval for outside employment may be withdrawn if the efficiency, effectiveness or productivity of the employee deteriorates. The decision of DDSN in such cases shall be made by the Office of General Counsel and is not considered a grievance or appeal under the State Employee Grievance Procedure Act or DDSN's Employee Grievance Directive and Procedures.
- C. Violation of the provisions of this directive and associated procedures may result in revocation of authorization of outside employment and/or disciplinary action, up to and including immediate termination.



Barry D. Malphrus
Vice Chairman



Stephanie M. Rawlinson
Chairman

Attachment: Outside Employment Request Form

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