



MOONLIGHTING / SECONDARY EMPLOYMENT POLICY

Policy Number: IOT 15-04

Effective Date: 07/01/2015

1. Purpose

Employees of the Indiana Office of Technology may get opportunities to have a second job outside of IOT. This policy lays out the guidelines for such employment, the types of secondary employment an IOT employee must avoid, and when a formal ethics opinion needs to be obtained from the Ethics Commission.

2. Revision History

Revision Date	Revision Number	Change Made	Reviser
09/01/2015	01	Policy Creation	Patrick Price

3. Persons, Groups, Systems Affected

All IOT employees.

4. Policy

4.1 IOT employees should consult this policy and get the appropriate approvals before accepting outside employment.

4.2 All IOT employees must report any outside employment to their direct supervisor and the IOT ethics officer.

4.3 An IOT employee shall not engage in, or direct others to engage in, work other than the performance of official duties during working hours, except as permitted by general written agency policy or regulation.

4.4 An IOT employee cannot work in outside employment that uses state property, time or information. For example, an IOT employee cannot accept outside employment that requires the employee to:

- Perform work during regular work hours for the individual's IOT position;
- Perform work using the individual's IOT computer or equipment; or
- Perform work using information the individual obtains from IOT, such as agency developed tools, software or applications (this does not include generally available

information, such as standard training received at IOT on publicly available software systems or products).

4.5 An IOT employee cannot accept outside employment that creates an inherent conflict with the individual's employment at IOT. For example, an IOT employee shall not accept outside employment or compensation if:

- The outside responsibilities of the position are inherently incompatible with the responsibilities of the individual's position at IOT;
- The outside employment would materially interfere with the individual's IOT job responsibilities at IOT;
- The outside employment would require the individual to recuse himself/herself from matters central to his/her responsibilities at IOT; or
- The outside employment would require the individual disclose confidential information that was gained in the course of State employment.

4.6 An IOT employee may not use his/her official position to obtain outside employment that are not properly available to similarly situated individuals outside of State government.

4.7 If an IOT employee has questions about whether a potential outside employment conflicts with his/her State employment, the employee should consult with his/her manager and the IOT ethics officer. If the outside employment presents a close call, the individual will need to obtain a written advisory opinion issued by the Ethics Commission stating that the potential outside employment does not violate State ethics laws. The ethics officer can assist an individual with the process of requesting a written opinion.

4.8 **Examples:**

- You are an IOT network engineer and have been offered a position to work at a book store on the weekends sorting books and checking out customers. You may accept the employment if the work does not conflict with IOT on-call status or require you to provide work that is similar to your IOT responsibilities.
- You are an IOT database administrator who is occasionally on call during weekends and have been offered a weekend job at a hardware store. You can accept this job if it will not conflict with your on call schedule for IOT or require you to provide work that is similar to your IOT responsibilities. If the work schedule will prevent you from responding when on call for IOT, you may not accept the outside employment because of the inherent incompatibility with your State position.
- You are an IOT database administrator who has been offered a position as a database administrator for an outside company. You would be performing the same type of work for the outside company that you perform for IOT, but the hours for the second job would not conflict with your IOT job. You will need to seek a written opinion from the Ethics Commission.
- You are an IOT employee who has been approached by a vendor for IOT to provide consulting advice on any security issues that arise out of its policies. You may not accept the outside employment because of the inherent incompatibility with your State position.

- The local community development committee in which you participate has asked you to use your resources as an IOT board member to help them start up a new project. You may not use your position as an IOT employee to procure benefits of substantial value that would not otherwise be available to similarly situated individuals outside State government.
- You are a business systems consultant for IOT. You have a second job working for an IT company. Through your duties as a business systems consultant you are often in a position to refer agencies to IT vendors to perform work for them, including your second job. You may not moonlight at this position.

5. Responsibilities

5.1. IOT employees – adhere to requirements established by this policy and State ethics rules, including seeking a written opinion from the State Ethics Commission when necessary. It is an employee’s responsibility to make sure that the ethics determination is documented and placed in their HR file.

5.2. IOT managers – appropriately advise employees, the IOT ethics officer, or the State Ethics Commission when an employee’s IOT job responsibilities will conflict with outside employment.

5.3. IOT ethics officer – advise IOT employees regarding this policy and when to seek a written opinion from the State Ethics Commission.

6. Definitions/References

42 IAC 1-5-5 Moonlighting

42 IAC 1-5-13 Ghost Employment