



# Conflict of Interest

## DGO Policy Internal 02

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**Effective Date:** 01/25/22

**Revised Date:**

**Sunset/Next Review Due:** 01/25/2022

**Approved By:** Jenney Rees

**References/Authority:** Utah Administrative Code Sections R477-9-2 and 3, Utah Code 67-16, and Governor's Executive Order EO 002 2014

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## 1 PURPOSE

This policy exists to prohibit Department of Government Operations (DGO) employees from engaging in secondary employment or outside activities that may hinder the employee from effectively performing their assigned duties or create, have a potential to create, or be perceived or have the potential to be perceived by the taxpayers and/or DGO's customers as creating a conflict of interest.

## 2 GUIDING PRINCIPLES

Employment with DGO shall be the principal vocation of full-time employees. Employees shall not accept secondary employment of any kind that could result in a direct conflict of interest. An employee shall notify agency management in writing of any outside employment. An employee shall notify management of any outside activity that may be perceived or have the potential to be perceived as creating a conflict of interest.

The Executive Director may make exceptions to this policy as allowed by applicable law.

## 3 POLICY

### 3.1 Definitions

**Outside Activities:** Any act or activity outside of state employment for which an employee may volunteer or receive honoraria or paid expenses, and could be interpreted as a real or potential conflict of interest.

**Outside Employment:** Any act or activity engaged in by an employee which is performed in addition to employment with the State of Utah for which compensation is received. Outside employment includes self-employment.

### 3.2 Guidelines

- A. Many factors determine if an employee's outside employment or activities present a real or potential conflict of interest. Those factors include but are not limited to:
  - a. engaging in outside employment or activities during the same hours the employee is scheduled to be working for DGO;



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- b. engaging in outside employment or activities that might reasonably be expected to require or induce the employee to disclose information acquired by reason of the employee's position for personal or another's private gain or benefits;
  - c. using or attempting to use the employee's position to secure special privileges or exemptions for self or others;
  - d. accepting employment that might be expected to impair the employee's independence of judgment in the performance of their public duties;
  - e. engaging in a business venture or working for an organization that conducts business with DGO and/or the state;
  - f. engaging in outside employment or an activity that renders the employee incapable of performing their DGO duties at full capacity;
  - g. using their state position or any influence of power, authority or confidential information the employee receives in their position for personal gain or benefit; or
  - h. utilizing state resources and/or materials for purposes other than those required for the employee's DGO position.
- B. Employees shall not receive outside compensation for performing state duties except in cases of:
- a. awards for meritorious public contribution;
  - b. usual social amenities, ceremonial gifts, or insubstantial advertising gifts having a value of not in excess of \$50 in accordance with UCA 67-16-5 and the Governor's Executive Order EO 002 2014.
- C. Employees shall request approval to receive compensation for papers, speeches, demonstrations, or appearances that are related to their state duties but done on their own time.
- D. Employees shall notify agency management and request approval to participate in outside activities if:
- a. the outside activity has the potential to negatively affect the employee's DGO duties, work conduct, or productivity; or
  - b. the outside activity has the potential or appears to be in conflict with UCA 67-16.
- E. If agency management determines that outside employment or an outside activity an employee is performing conflicts with this policy, management shall use its discretion to determine whether the employee will be required to stop engaging in that outside employment or activity immediately or within a reasonable period of time, not to exceed three weeks.
- F. Agency management may deny an employee permission to engage in outside employment or to receive payment for an outside activity if management determines the outside employment or activity causes a real or potential conflict of interest.
- G. Failure to notify agency management and to gain approval for outside employment may be grounds for disciplinary action.
- H. An employee who is on FMLA, Worker's Compensation, leave bank, etc., may not engage in outside employment without written approval from the Executive Director or the Executive Director's designee.
- I. Employees shall notify agency management of a potential conflict of interest when they may be required to do or decide something that could be interpreted as a conflict of interest. Agency management shall use its discretion to determine whether the employee should be excused from making those decisions or taking those actions.
- J. Employees may not take part in hiring or employment decisions relating to a family member. If a hiring or employment matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship and must be recused from any and all discussion or decisions relating to this matter.



### 3.3 Procedures

- A. An employee must submit a Conflict of Interest Clearance form to agency management before the employee engages in any outside employment.
  - a. The employee must submit the Conflict of Interest Clearance form prior to accepting outside employment or participating in outside activities.
  - b. The employee shall complete and submit a new Conflict of Interest Clearance form for approval within 30 days whenever the nature or hours of outside employment changes.
  - c. The employee's immediate supervisor and division director or designee, shall review the submitted Conflict of Interest Clearance form and shall:
    - i. work with the employee to resolve any potential conflicts, when possible; and
    - ii. notify the employee when approved; or
    - iii. deny when real or potential conflicts cannot be resolved.
  - d. If the request to approve outside employment is denied, an employee may request a review by the Executive Director or designee.
- B. An employee shall submit a Conflict of Interest Clearance form to agency management and request approval to participate in an outside activity if the activity has the potential to or appears to be in conflict with this policy, Utah Administrative Code Sections R477-9-2 and 3, or Utah Code 67-16.
  - a. The employee must submit the Conflict of Interest Clearance form prior to accepting or participating in outside activities.
  - b. The employee shall complete and submit a new Conflict of Interest Clearance form for approval within 30 days whenever the nature or hours of the outside activity changes.
  - c. Management shall review the submitted Conflict of Interest Clearance form and shall:
    - i. work with the employee to resolve any potential conflicts, when possible; and
    - ii. notify the employee when approved; or
    - iii. deny when real or potential conflicts cannot be resolved.
  - d. If the request to approve an outside activity is denied, an employee may request a review by the Executive Director or designee.
- C. A copy of the Conflict of Interest Clearance Form shall be provided to the HR field office.
- D. The HR field office shall upload a copy of the documentation into the individual employee's personnel file.

## 4 RELATED DOCUMENTS (e.g., procedures, other policies, forms etc.)

- Conflict of Interest Clearance form



## Amendment/Change Log

<Policy Name> Amendment/Change Log					
Date	Section/ Heading	Change/Edit	Additional Information (if needed)	Change Approved By	Change Approval Date