

R923, Remunerative Consultation and Other Employment Activities¹

R923-1. Purpose: To outline the Commissioner's Office policy toward remunerative consultation and other employment activities by Commissioner's Office personnel.

R923-2. References

- 2.1. Utah Code §53B-1-106 (Appointment of Commissioner's Staff)
- 2.2. Utah Code Title 67, Chapter 16 (Utah Public Officers' and Employees' Ethics Act)
- 2.2. Policy and Procedures R141, Duties of the Commissioner of Higher Education

R923-3. Definitions

- 3.1. **"Full-Time"**: An employment relationship, applicable to both faculty and staff members, which requires a commitment of 100% of the individual's normal and expected working time and effort. Full-time employment is generally inconsistent with the acceptance of any other employment on a continuous or permanent basis.
- 3.2. **"Additional Compensation"**: Payment for services rendered by an employee in addition to the normal working activity contemplated by the terms of the employee's appointment.
- 3.3. **"Overload Status"**: an employment condition in which the total percent of full time recorded on Personnel Action Forms for all assignments held concurrently exceeds 100%.

R923-4. Policy

4.1. **Full Service Obligation:** All personnel of the Commissioner's Office holding full-time positions shall give full services to the work of the Commissioner's Office during scheduled work periods. Any non-Commissioner's Office employment must not interfere with the discharge of the person's full-time service obligations to the Commissioner's Office. It is expected that all full-time Commissioner's Office staff members will treat the Commissioner's Office as their prime employment activity.

4.1.1. Part-time or full-time employment or business enterprise in addition to full-time Commissioner's Office employment is discouraged. Each administrator and staff member is responsible to inform his/her immediate superior of all such outside employment activities.

4.1.2. In any case in which present or contemplated outside employment is believed to involve a question as to a potential conflict of interest, the concerned individual is encouraged to seek advice from the administration of the Commissioner's Office by requesting an opinion through the cognizant Associate Commissioner.

4.2. **Public Service:** The Commissioner's Office approves of public service activities that are not incompatible with full performance of Commissioner's Office duties and not inconsistent with Commissioner's Office policies and procedures.

¹ Adopted July 19, 1983.

4.3. Outside Teaching: Commissioner's Office employees may not accept employment for, and may not perform, any teaching, instructional, or research services for academic institutions without the knowledge and written approval of the commissioner and cognizant Associate Commissioner. Compensated or uncompensated participation in an occasional short term conference, seminar, or symposium or the delivery of a scholarly paper or public address at a professional meeting or academic gathering under the auspices of an academic institution, does not violate this policy.

4.4. Telephone Listings and Off-Campus Offices: Except where permission is given by the Commissioner, full-time members of the staff may not maintain business or professional telephone listings in their own name, or establish an office for non-Commissioner's Office related professional or business activities.

4.5. Consultation: Consultation and other services to persons, firms, institutions, and agencies outside the Commissioner's Office may be carried on by staff members as long as the performance of such services does not interfere with the individual's service obligations to the Commissioner's Office, subject to the following restrictions:

4.5.1. Administrative and professional staff personnel are allowed two days a month for either consulting or outside employment, not counting weekends or holidays. Unused consultation time may be accumulated for a period not to exceed six months, i.e., for a total accumulation not exceeding a maximum of 12 days, and may be taken during one consecutive period of time. The Commissioner's Office has no obligation to compensate personnel for authorized consultation time that, for any reasons, is not actually used.

4.5.2. Use of consultation time should have a demonstrable relation to the professional interests of the professional staff member or administrative officer.

4.5.3. Any absence from the Commissioner's Office for the purpose of consultation services may be recorded as an excused absence for approved consultation only if the restrictions of this section have been satisfied.

4.5.4. Individual exceptions to this policy may be approved by the cognizant associate commissioner, subject to any specific conditions imposed by the Commissioner.

4.6. Responsibilities of Consultants: Commissioner's Office employees engaged in consultation services authorized by this policy must assume the following responsibilities to assure compliance with this policy and with applicable legal requirements:

4.6.1. The Commissioner's Office employee must advise the person, firm, or agency for whom such consultation services are to be performed that (a) the employee, in his/her role as a consultant, is acting solely as an independent contractor, and not as an agent or employee, or under the sponsorship, auspices, or control of the Commissioner's Office, and (b) the Commissioner's Office assumes no responsibility whatever, express or implied, for the actions or omissions of the employee in his/her role as a consultant.

4.6.2. The Commissioner's Office employee must personally assure that the conditions and limitations upon external consulting activities, as specified in this policy, are fully satisfied, and must be prepared to document that fact if called upon to do so by a responsible Commissioner's Office officer.

4.6.3. Before entering into a consultation contract, the Commissioner's Office employee must personally determine that the contemplated consultation activities and arrangements will not involve a conflict of interest with the individual's duties to the Commissioner's Office that may be in violation of the [Utah Public Officers' and Employees' Ethics Act](#). Such conflicts may be implicated if (a) the consultant is or will be serving concurrently as a principal investigator under a contract or grant from the same external firm or agency; or (b) the services to be performed as a consultant are directly related to and derived from services performed under or confidential information derived as the result of participation in the performance of a contract or grant from the external firm or agency for whom the consulting services are to be performed.

4.7. **Public Addresses:** Requests for staff members to give addresses to clubs, community organizations, and other groups may be responded to at the discretion of each individual staff member. Such activities should not be allowed to interfere with Commissioner's Office responsibilities.