

Secondary Employment Policy and Procedures

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POLICY

1. Objective

This Secondary Employment Policy and Procedures assists NSW Crime Commission employees in understanding their obligations in respect of:

- giving priority to NSW Crime Commission (the Commission) work
- obtaining approvals to undertake secondary employment (whether paid or unpaid) and renewal arrangements
- ensuring the Commission is notified of any change to approved secondary employment arrangements
- ensuring no conflict of interest arises as a result of secondary employment.

2. Application

This document is binding on all Commission employees including part-time and casual employees.

This policy applies to paid or unpaid employment in which an employee (either ongoing, casual, part time or temporary) would work as an employee, advisor, volunteer or principal in any form of business enterprise, or on a board or committee. It includes such employment undertaken while on leave, whether the leave is paid or unpaid.

The following Commission employees have specific roles in relation to this policy:

- the employee requesting approval for secondary employment
- Manager/Supervisor
- People & Culture Manager (P&C Manager)
- Personnel Security
- Divisional Heads
- Commissioner.

3. Definitions

Secondary employment is any occupation in which a Commission employee engages temporarily or permanently alongside their regular employment at the Commission. This includes paid and unpaid work.

4. Policy Statements

It is expected that the professional skills and expertise of an employee will be devoted to the activities of the Commission as the employee's principal employer. The *Government Sector Employment Regulation 2014* requires that a Commission employee is not to undertake any other paid work without the permission of the Commissioner.

4.1 Commissioner Approval

Commission employees must not engage in secondary employment without the written consent of the Commissioner or his/her delegate(s). Generally, permission for secondary employment of any kind will be given **only** where the employment:

- will be done completely in the employee's own time and not during lunchbreaks while working at the Commission
- will not adversely affect the employee's normal work or work conditions

- will not lead to a conflict of interest or the perception of a conflict of interest in the employee's Commission work
- will not use Commission resources
- will not involve the disclosure of any Commission information
- will not be given priority over the work performed by the employee for the Commission
- will not give rise to absenteeism
- will not adversely affect the reputation of the Commission.

4.2 Casual and Part Time Employees

Casual or part time employees may undertake secondary employment during the period that they are not performing duties for the Commission but these persons are bound by the provisions of this policy.

4.3 Voluntary Work

Voluntary work and participation in community groups could raise potential conflicts of interest if not declared. Volunteer work and participation in community groups should therefore be treated with the same level of importance as paid secondary employment.

Secondary employment does not include such things as unpaid participation on committees for local school events such as fetes, or undertaking a role in school sports coordination. If unsure whether it is necessary to apply for approval to undertake secondary employment, employees should contact the P&C Manager for advice.

4.4 Sanctions

This policy supports the *Code of Ethics and Conduct for NSW government sector employees* and the Commission's Code of Conduct.

Non-compliance with this policy is considered a breach of these codes, and appropriate disciplinary action may be taken in accordance with the Commission's *Misconduct and Unsatisfactory Performance Policy and Procedures*.

5. Related Documents

The following documents relevant to this policy include:

- *Government Sector Employment Regulation 2014*
- NSW Crime Commission Code of Conduct
- NSW Crime Commission Conflict of Interest Policy and Procedures
- Code of Ethics and Conduct for NSW Government Sector Employees.

PROCEDURES

1. Applications for Secondary Employment

Commission employees seeking approval to engage in secondary employment must first discuss their request with their immediate Manager/Supervisor. The employee must then submit a completed *Secondary Employment Application Form* (signed by the employee and his or her Manager/Supervisor) to the P&C Manager.

2. Assessing Applications

On receiving a secondary employment application, the P&C Manager uses the *Secondary Employment Assessment Tool* to thoroughly assess any potential conflicts or other risks associated with the employee undertaking secondary employment. The P&C Manager may seek the opinion of the employee's Manager/Supervisor or Divisional Head.

Following completion of this initial assessment, the P&C Manager will send the Assessment Tool to Personnel Security for their review and assessment. Subject to the nature of the request, Personnel Security may conduct additional checks. Following completion of their assessment, Personnel Security will return the secondary employment request form with any comments or recommendations to the P&C Manager.

Risk assessments conducted on each application may include consideration of the following:

- the likelihood of the employee giving their secondary employer advice on or access to confidential Commission information
- conflicts of interest arising in connection with the employee's secondary employment, including the risk that the employee will form improper associations with persons who have criminal records
- the employee bringing the Commission into disrepute
- the employee being injured
- the extent and nature of the public contact involved in the employee's proposed secondary employment
- whether the prospective employer's knowledge of the employee's employment at the Commission could compromise the employee's primary responsibility.

If approved, the P&C Manager will forward the workflow to the relevant Divisional Head for final approval.

The Divisional Head's decision to approve or deny the application to undertake secondary employment will be final and a record of the decision will be filed on the relevant employee record, which may be viewed by the employee.

3. Conditions of Approval

All secondary employment approvals are subject to the following minimum conditions:

- that the work must not arise from nor be associated with the employee's official duties with the Commission
- that the work be done in the employee's own time, noting that an employee must continue to be available for Commission work outside of normal business hours as required, and that leave will be granted in accordance with normal Commission policies should the employee choose to use their leave time to conduct secondary employment activities
- that the work not involve an actual or perceived conflict of interest with the work of the Commission

4. Changes to Secondary Employment

Any change to secondary employment arrangements must be provided to the P&C Manager for the relevant Executive officer's approval as soon as it is known through the submission of the *Secondary Employment Change Notification Form*.

Notifiable changes include ceasing of the secondary employment, any change in hours worked, rates of pay, and/or the nature of the work being performed. If there is a change of employer, a new *Secondary Employment Application Form* will be required even if the type of employment is similar to that previously approved.

5. Annual Renewal

Any approved secondary employment is subject to an annual review, to assess the currency of the approval and whether any of the provisions of this policy have been breached by the employee's participation in secondary employment.

If the employee wishes to continue the previously approved secondary employment for another twelve months, he or she must notify the P&C Manager by email prior to the approval expiry date.

The P&C Manager may discuss the request for renewal with the employee's Manager/Supervisor and/or Divisional Head to assess whether the secondary employment arrangement has had any detrimental effect on the employee's work for the Commission. The form will then be forwarded on in the workflow to the relevant Divisional Head for approval.

A vetting review will also be conducted every two years, or more frequently, if the Commission deems it appropriate or necessary.

Version Control

| Version | Effective date | Update comments | Author |
|---------|----------------|---|----------------------|
| 1.0 | 31Jul14 | Initial version | Governance Unit |
| 1.1 | 26May15 | Revisions due to the addition of 3 forms | Governance Unit |
| 1.2 | 9Feb16 | Addition of vetting information and other related amendments | Governance Unit |
| 1.3 | 29April19 | Reviewed and updated titles | Governance Unit |
| 2.0 | 8Oct20 | Reviewed and revised according to Governance policy template Paragraph included on voluntary work Changes made to role titles | Governance Unit |
| 3.0 | Apr 2023 | Reviewed and revised to change role titles and to confirm cessation of secondary employment process | Audit, Risk & People |

Publication Information

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|------------------|--|
| Title | Secondary Employment Policy and Procedures |
| Policy Type | Policy and procedures |
| Policy Number | HR2014/3 |
| Policy Developer | People & Culture Manager |

UNCLASSIFIED

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|----------------|--------------------------|
| Policy Contact | People & Culture Manager |
| Approver | Chief Operating Officer |
| Approval date | 11 April 2023 |
| Effective date | 11 April 2023 |
| Review date | 11 April 2028 |
| Supersedes | Version 2.0 |
| Classification | Unclassified |