

THE OBERON COUNCIL

SECONDARY EMPLOYMENT POLICY

1. Introduction

Secondary employment is when staff employed by Oberon Council also do paid part-time or casual work for another organisation. This includes operating a business and providing paid consultancy services to another person or organisation as well as partnerships and directorships of companies.

While it is not inherently wrong, secondary employment can give rise to complaints involving conflicts of interest and misuse of resources. These complaints, whether verified or not, adversely affect the image of Council staff and the integrity of the Council.

Secondary employment can provide opportunities for corrupt conduct and the misuse of resources and information. It can also place staff in difficult and stressful situations if an incident occurs that is in conflict with their responsibility as a Council employee and their secondary job.

2. Legislation

Section 353 of the *Local Government Act 1993* states that:

1. The general manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of the council.
2. A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties unless he or she has notified the general manager in writing of the employment or work.
3. The general manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member's council duties.
4. A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so under subsection (3).

3. Principles

1. The integrity of the Council is a major consideration when decisions about approval of secondary employment are made.
2. Secondary employment may only be undertaken by a person in their own time.
3. Council must be aware of all secondary employment being undertaken by staff.
4. Secondary employment should only be undertaken following written approval from Council.
5. Council resources, including information, must be used for the purpose for which they are provided and cannot be used for any other purpose.

6. In granting approval for secondary employment, the efficient performance of an employee's duties and maintenance of Council's integrity are central to the decision.

4. Procedure

1. The General Manager must be advised in writing if any employee is intending to obtain a second job.
2. The application should be clearly written and include details about the duties to be done, hours to be worked, any current links with the prospective employer, such as contractual arrangements, and any potential conflicts of interest.
3. Records of all applications and the reasons for approval or rejection will be kept on personnel files for future reference or for audit purposes.
4. The initial decision to approve or reject an application will be made by the Director of Corporate Services.
5. If the employee is unhappy with that decision, he or she can then ask the General Manager for a review of the decision.
6. Approvals are valid until the staff member is transferred to other duties or another work location within Council at which time the approval will be reviewed.

5. Acceptable Secondary Employment

Approval for secondary employment will not be granted if the employment could affect the integrity of the Council or could involve a conflict of interest. Other issues to be considered include whether the company or organisation:

- is in, or entering into, a contractual relationship with the Council
- has a primary purpose to lobby councils or Councillors
- is in a regulatory relationship with Council.

To prevent potential conflicts of interest occurring, there needs to be a separation between a staff member's normal duties and their second job. For example, if a council planner works as a consultant for a development corporation, members of the public affected by a proposed development by that corporation may not feel confident that council would make an independent and impartial assessment of the development. Similarly, a health inspector might give a favourable report on a take-away food shop where they work at the weekend, but issue a notice to another shop with similar conditions.

6. Other Issues

Staff may only undertake approved secondary employment in their own time.

Staff must not use any official resources or information in the course of approved secondary employment or to help gain private employment.