



Purpose

To provide VITA's outside employment policy in alignment with the Department of Human Resource Management (DHRM) [Types of Employment](#) policy and VITA's [Code of Ethics](#). This policy details VITA's expectations and guidelines to permit employees to work outside of VITA.

Scope

This policy applies to all VITA classified and wage employees.

Review and Approval

This policy will be periodically reviewed by HR and approved by VITA's executive team.

Policy Summary

VITA respects each employee's right to engage in activities that are of a private nature outside of employment, to the extent that such activities do not create a conflict of interest or adversely affect an employee's ability to meet VITA's work requirements.

This policy will be applied consistently to all employees without discrimination, and in compliance with all applicable employment and labor laws and regulations. The following guidelines for outside employment apply to all employees notifying their supervisors or managers of their intent to engage in outside employment:

- An employee is required to obtain written approval before engaging in any outside employment that involves a subject matter that relates to the responsibilities of their work duties at VITA. For purposes of this policy, outside employment includes any form of employment, business relationship or activity, self-employment and consulting activities involving the provision of personal services for which the employee is compensated.
 - Outside employment must not compete with, conflict with or compromise the agency's interests, and adversely affect job performance and the ability to fulfill all responsibilities to VITA.
 - Outside employment that creates a conflict of interest or violation of law will not be permitted.
- No property, services, supplies, etc. belonging to or under contract to the Commonwealth may be used for outside employment activities.
- This policy is not all inclusive of the requirements of the Virginia [State and Local Government Conflict of Interests Act](#), the [Virginia Public Procurement Act's](#) provisions concerning ethics in public contracting, or other applicable law. Employees are cautioned to avoid any business relationship that might create the appearance of a conflict of interest.
- Employees may not use VITA paid sick leave to perform work for another employer.
 - Fraudulent use of the Commonwealth's sick leave or an employee's refusal to comply with VITA's reasonable request to terminate outside employment may result in immediate termination of employment with VITA.

- VITA will not assume any responsibility for employees' outside employment. Specifically, VITA will not provide workers' compensation coverage or any other benefit for injuries occurring from, or arising out of, such outside employment. Additionally, VITA will not pay medical benefits for injuries or sickness to an employee resulting from employment by any employer other than VITA.
- If employees' outside employment or personal conduct begins to adversely affect their performance on the job, or begins to make it impossible for them to carry out any or all of their job duties while at work, appropriate disciplinary action up to and including termination of employment may be appropriate.

Procedure

- An employee must submit an [Outside Employment Request](#) form to their manager and director as soon as possible, or at least two weeks before the proposed start of employment with another employer. The approved form must be provided to HR.
- Outside employment requests will be reviewed and approved annually as part of the Performance Plan review and whenever a new manager/employee relationship is established. Approved [Outside Employment Request Forms](#) must be provided to HR.
 - The employee must notify their manager, director, and HR that the employee is no longer engaged in outside employment as soon as possible or at least within two weeks of ending outside employment.
 - All approved agreements will be held by HR for record-keeping purposes.
 - Copies of all completed forms must be maintained by the manager and the employee.

Exceptions / Limitations

- Outside employment that creates the appearance of a conflict of interest in violation of law will not be permitted.
 - VITA employees who have official responsibilities for procurement transactions will not be allowed to be employed by any private business that is, or is likely to be, involved in a procurement transaction with VITA.
- Employees may not engage in outside employment if such employment adversely affects, or is likely to adversely affect, performance of the employee's regular duties at VITA.

Associated Laws, Policies, and other References

Code of Virginia [§2.2-3100 State and Local Government Conflict of Interests Act](#)

Code of Virginia [§ 2.2-4300 Virginia Public Procurement Act](#)

[DHRM Standards of Conduct Policy](#)

[DHRM Types of Employment Policy](#)

[VITA Code of Ethics](#)

[VITA Standards of Conduct Supplemental Policy](#)

Approved

This document has been reviewed and approved by VITA's executive team, effective March 21, 2022.