



# CONFLICT OF INTEREST/ EMPLOYMENT IN SECOND JOB

PM-62-01

Section: 62-00, MISCELLANEOUS PERSONNEL POLICIES

---

---

## **PURPOSE AND SCOPE:**

Employment with City of Memphis Government is a public trust. Employees may not engage in any activity of work or business venture either in a private or official capacity where a conflict of interest may exist. Fundamental loyalty of any employee of City of Memphis Government must be to the public interest and the employee must not enter into any engagement or employment that conflicts or interferes with the full discharge of the employee's assigned City job duties.

## **POLICY:**

Full-time or part-time employment in addition to the employee's City job will not be permitted if the employment in any way is in conflict with the employee's assigned City duties, the general business of the City, or interferes with the employee's regularly scheduled working hours. In addition, an employee may not own a business, be a partner in a business venture' or hold any financial or vested interests in a business that is in conflict with the employee's assigned City duties or the general business of the City. No employee shall make, participate in making, or use an official position to influence a City Government decision in which the employee has any financial interest.

In no event will second employment or a business venture be allowed which adversely affects the employee's attendance, efficiency, or productivity in the City position, or the image of City Government or City employees. No City employee may use City telephones, equipment, or supplies for any business venture other than City business.

## **NOTICE OF INTENT:**

When an employee is considering employment or a business venture outside of the employee's City position, written notice of that intention must be given to the employee's Division Director. The written notice must include:

1. The name of the company for which the employee will work or be involved;
2. The type of business the company conducts;
3. A description of the position and the involvement the employee anticipates; and



# CONFLICT OF INTEREST/ EMPLOYMENT IN SECOND JOB

PM-62-01

## Section: 62-00, MISCELLANEOUS PERSONNEL POLICIES

---

---

4. The hours the employee expects to work.

Upon receipt of the employee's notice of intent to accept employment or enter into any type of business venture outside of the employee's City position, the employee's Division Director or designee must notify the employee, in writing, within five (5) working days whether a conflict of interest exists.

### **EXISTENCE OF A CONFLICT OF INTEREST:**

If the employee's Division Director rules that a conflict of interest exists, the employee may:

1. Elect not to pursue the second employment or business venture;
2. Elect to resign from the employee's City position; or
3. Appeal the Division Director's decision to the Human Resources Director.

The Human Resources Director or designee must notify the employee, in writing, within five (5) working days of receipt of the appeal whether a conflict of interest exists. If the employee's Division Director and the Human Resources Director disagree, the matter will be referred to the Chief Administrative Officer for resolution, and the decision of the Chief Administrative Officer will be final. The Chief Administrative Officer or designee must notify the employee, in writing, within five (5) working days of receipt of the issue whether or not a conflict exists.

### **DIVISION RESPONSIBILITIES:**

The employee's Division must place a copy of all requests for consideration of second employment or business venture and all related documents in the employee's official personnel file held in the Data Management Service Center, Human Resources Division, whether or not the requests are granted. In addition, if the employee's request is granted, the employee's Division Director or designee must make that known in a written memo to the employee, including any and all rules and regulations governing second employment or business venture. A copy of the memo must be placed in the employee's official personnel file held in Data Management Service Center, Human Resources Division.



# CONFLICT OF INTEREST/ EMPLOYMENT IN SECOND JOB

PM-62-01

Section: 62-00, MISCELLANEOUS PERSONNEL POLICIES

---

---

## **EMPLOYEE RESPONSIBILITIES:**

City employees are prohibited by the City of Memphis Charter from accepting any monies or gifts of any character whatsoever from organizations, business concerns, or individuals in the course of work, or in connection with work, other than that stipulated for performing the duties of the assigned job. Before any presentation to the City Council, or any fact-finding or quasi-judicial tribunal or board or commission whose members are appointed or approved in whole or in part by the City Council, of any matter involving property in which an employee has an ownership interest, the employee must first publicly declare the ownership interest, either on the face of the application or petition concerning said property, or by separate written statement if no written application or petition is required. The employee shall abstain from voting or discussion on any subject matter in which the employee has an ownership interest.

City of Memphis Government employees are bound in all matters of conflict of interest by the City of Memphis Code of Ordinances, Section 2-42, Conflict of Interest of Officers and Employees, and City of Memphis Charter, Section 346, Acceptance of Money or Gifts Declared Felony. Failure to comply with this policy will lead to disciplinary action up to and including termination. The individual Divisions of City of Memphis Government must make Division employees aware of this policy.