

Additional or Outside Compensated Work

Personnel – General Provisions

EWU Policy 401-02

Authority: EWU Board of Trustees

Effective: December 9, 2022

Proponent: Vice President for Business & Finance

Purpose: This policy establishes standards for university employees engaged in or seeking to engage in employment or compensated activities beyond their regular position with the university.

History: This policy supersedes a previous version dated January 27, 2012. It was approved by the Board of Trustees on December 9, 2022.

Applicability: This policy pertains to all officers and employees of Eastern Washington University, including student and non-student temporary employees.

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CHAPTER 1 – GENERAL

University employees may be employed outside of their regular university position so long as such employment complies with RCW 42.52, Ethics in Public Service, EWU Policy 901-01 (Ethical Standards), EWU Policy 901-02 (Appropriate Use of University Resources), and all other state laws and university policies.

This policy addresses several different situations where a university employee may be seeking additional or outside compensated work:

- Employment with a person, agency, or entity outside of the university or conducting an outside business (faculty & staff)- chapter 2
 - Additional employment at EWU (faculty & staff)- chapter 3
 - Outside consulting, advising, or research (faculty)- chapter 4
 - Honorarium for a speech, appearance, or article in connection with one's position at EWU (faculty & staff)- chapter 5
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CHAPTER 2 – OUTSIDE EMPLOYMENT/ BUSINESS

2-1. General

University employees may be employed by other state agencies or by businesses or organizations that are not affiliated with the University or run their own personal business (hereinafter "outside compensated work").

2-2. Restrictions

Employees who engage in outside compensated work must comply with the following restrictions:

- a. Outside work activities must not be within the course of the employee's official duties. No additional compensation may be accepted by faculty members for tutoring students in courses they teach or for performing official duties.
- b. Outside work activities may not constitute a conflict of commitment or interest.
- c. Outside work activities may not be to the detriment of official duties and obligations.
- d. The outside work must not have been created or authorized by the employee in his or her official capacity.
- e. Any contract or grant is not performed for or compensated by any person from whom the employee would be prohibited by RCW 42.52.150(4) from receiving a gift.
- f. No confidential or proprietary information of the university will be shared or disclosed.
- g. Employees may not use their positions for private gain.
- h. No university resources may be used for outside work activities, except for faculty and research employees as set forth in chapter 4. This includes, but is not limited to, the use of university facilities, equipment, work time, and materials.

2-3. University Approval

University approval is required in advance for all types of employees whenever outside employment:

- a. is for another college or university;
- b. is for another state agency and Executive Ethics Board approval is required under section 2-5; or,
- c. occurs during the employee's regular working hours; or,
- d. creates a potential conflict of interest.

2-4. University Approval Process

If university approval is required under section 2-3 or section 5-2 (honoraria), the following steps must be followed:

- a. The employee must submit a request detailing the beginning and ending dates, salary, schedule and the nature of the additional employment. Forms are available at: <https://inside.ewu.edu/hr/forms/>.

The supervisor shall forward the request, with recommendations, through appropriate intermediaries, to the president/vice president for final approval. Supervisor recommendations shall include, if necessary, approval of applicable vacation, personal leave time or leave without pay to permit the performance of the outside employment.

- b. The president/vice president will review and either approve or deny the request. They will then return the request to the employee's supervisor and provide a copy to human resources.

2-5. Additional Rules for Outside Work Performed for Another State Agency- Executive Ethics Board Approval

Special standards govern award of a grant or contract from another state agency to a university employee. In addition to the restrictions of section 2-2 and the requirement for university approval described in section 2-3, employees must comply with the following requirements from the Executive Ethics Board:

- a. University employees must receive approval from the Executive Ethics Board before entering into, or obtaining a beneficial interest in, a contract or grant with another state agency if the process for awarding the contract or grant was not open and competitive, or if only one bid or application was received. Employees should follow the requirements of WAC 292-110-060 as to what must be contained in an application for approval. Approval must be obtained before any work may be performed.

- b. If the contract or grant is approved by the Executive Ethics Board, a copy of the contract or grant must be filed with the Executive Ethics Board within 30 days of execution.

Additional approvals may be required under WAC 292-110-060 for amendments and renewals to such agreements.

2-6. Independent Status of Outside Employment or Consulting

Employees who are engaged in outside employment or consulting must clearly identify that they are doing so as independent professionals and not as representatives of Eastern Washington University. Additionally, the university will not insure, defend, or indemnify employees for any liability related to outside employment or consulting work.

Any contractual obligations, including but not limited to, data security, confidentiality, and insurance, will be the sole responsibility of the employee engaging in the outside work.

CHAPTER 3 – ADDITIONAL UNIVERSITY EMPLOYMENT

3-1. General

University employees may perform additional work for the university, outside of their normal work, and receive additional compensation.

3-2. Eligibility

- a. Classified: The additional work must fall outside of the employee's civil service position or the work must be exempt from overtime (salaried and meets the administrative, executive, or professional exemption tests of the act). Otherwise, the overtime rules and contract will apply.

- b. Exempt: The work performed must fall outside of the employee's regular assignment as determined by the employee's supervisor. For overtime eligible exempt employees, the work must be unrelated to the employee's regular work; otherwise, overtime rules will apply.

- c. Faculty: Eligibility is as determined under the current Faculty Collective Bargaining Agreement.

3-3. Restrictions

- a. Prior approval is required in all cases.
- b. Additional work may not constitute a conflict of commitment or interest.
- c. Additional work may not be to the detriment of official duties and obligations.
- d. The additional work must not have been created or authorized by the employee in his or her official capacity.
- e. Additional work must be of a nonrecurring nature when it occurs during the employee's regular working hours.
- f. Employees whose written position descriptions include instruction, consultation or other job-related

duties which correspond to those in the employee's request for additional duties will normally not receive additional pay.

3-4. Process

a. Requests for additional university employment, which would occur during an employee's regular work hours, must be made by the employing department to the employee's supervisor.

b. Requests shall stipulate the beginning and ending dates, salary, budget, schedule and the nature of the additional duties.

c. The employee's regular supervisor must determine whether the duties are eligible for additional compensation as described in this section.

d. This request along with the supervisor's recommendations shall be submitted, through appropriate intermediaries, to the appropriate president/vice president for final approval.

e. For non-faculty appointments, the supervisor shall forward a copy of the request, with approvals, to human resources for further processing and filing.

f. For faculty appointments, payroll action forms shall be prepared by the college and forwarded to human resources for processing and filing.

CHAPTER 4—RESEARCH EMPLOYEE CONSULTING, ADVISING, PRESENTING, PERFORMING, RESEARCHING

4-1. Research Employees

To the extent faculty or professional staff are engaged in research, technology transfer, approved consulting activities related to research and technology transfer, or other incidental activities, these employees are considered "Research Employees" for the purposes of this policy.

The first obligation of faculty members is the preparation for and carrying out of official university duties. Faculty who are full-time are expected to devote full-time effort to their institutional responsibilities. At the same time, the university recognizes that faculty, the university, and the state benefit from faculty disseminating expert information outside of the university. University faculty members serving as consultants or engaging in outside compensated professional activities can be valuable resources to government, industry, public and private organizations. The university encourages faculty members to engage in such activities provided they do not conflict with or interfere with the performance of university duties.

Outside work under this chapter must be consistent

with the university's mission and must enhance the faculty member's professional development. Outside work under this chapter includes consulting, advising, presenting, performing, researching, or guest lecturing for other organizations in the areas of professional competence for which the faculty member is employed by the university.

Outside profit-making business activities engaged in for personal monetary gain that are not related to the area of professional competence for which the faculty members is employed by the university are not covered by this chapter and are subject to all of the requirements contained in chapters 1 and 2, as well as the Ethics in Public Service Act.

4-2. De Minimis Use of Resources Permitted

Consistent with the state and university's policy to encourage basic and applied research and consistent with the university's expectations for its faculty to produce, publish, and disseminate research and scholarship, a de minimis amount of university resources can be used for consulting/outside compensated work by Research Employees under this chapter if all of the following requirements are met:

a. Primary Responsibilities: Outside work must not interfere with a faculty member's normal official university duties, including those non-classroom responsibilities expected of all faculty members as set forth in the collective bargaining agreement, faculty activity plans, and workloads.

b. Limited Time: The University values faculty-student exchanges and expects high quality performance of teaching, research, and service activities. Therefore, full-time faculty must not spend more than the equivalent of one day per work week during the academic year in outside compensated professional activities.

c. De Minimis Resources: Research Employees may use a de minimis amount of resources to support consulting/outside compensated work. De minimis means:

- There is little or no cost to the university;
- Any use is brief in duration and occurs infrequently;
- The use does not interfere with the performance of the employee's or any other employee's official duties;
- The use does not compromise the security or integrity of university property, information, or software;
- The use does not disrupt or distract from the conduct of university business due to volume or frequency;

- The use does not violate any other university policy (e.g. copyright protections);
- The use does not include any university-purchased consumables such as supplies (e.g. chemicals, pottery materials, reams of paper);
- The use does not involve obtaining assistance from other university employees or students to carry out or discuss outside work;
- The use does not involve running tests, assays, or analyses on university laboratory equipment;
- The use does not involve using university laboratories, laboratory supplies, or hardware to conduct experiments to carry out projects for outside work; and,
- The use does not involving transferring or using university-owned intellectual property or confidential information.

University equipment (other than a computer assigned to an individual Research Employee) and facilities cannot be used unless the faculty member pays for the equipment and facilities at a rate determined by the dean that is comparable to what the private sector would charge for such equipment and facilities. The fee scale must be filed with the Vice President for Business and Finance and the faculty member authorized to use the facilities or equipment is responsible for paying the university for such use.

4-3. Disclosure & Approval Process

All outside work under this chapter must be disclosed to the faculty member's chair. Each academic term, the faculty member engaged in these outside activities shall provide a report to their department chair (or comparable director). The chair/director will then prepare a report for an applicable dean outlining the outside work done by faculty members in their department. The deans will then report such information to the Provost's Office. Employment with another college or university is outside of this process and must be approved in advance under chapter 2.

4-4. Research & Scholarship

Use of university resources for research and scholarship that is not directly compensated but may lead to some personal financial benefit is governed by EWU Policy 901-02 (Appropriate Use of University Resources).

CHAPTER 5 – HONORARIA

Honorarium is “money or thing of value offered to” a university employee “for a speech, appearance, article, or similar item or activity in connection with” the university employee’s “official role.” RCW 42.52.010. Employees may receive an honorarium only if they comply with the provisions of this policy. Otherwise, the acceptance of an honorarium is prohibited by RCW 42.52.130.

Employees may receive reimbursement or coverage of reasonable expenses incurred for the employee’s participation in such an activity in their official role, such as travel, lodging and subsistence. Where payment or reimbursement of expenses is made by an outside entity, however, the employee cannot request university payment or reimbursement for such expenses.

a. No Pre-Approval Required: employees are permitted to accept an honorarium without receiving pre-approval if:

- The honorarium is not cash or a cash equivalent (stocks, bonds, gift cards, etc.);
- The item is valued at less than \$1,000, excluding reimbursement or coverage of reasonable expenses incurred for the employee’s participation including travel, lodging and subsistence; and,
- All other restrictions in this section and in RCW 42.52.130 are complied with.

b. Pre-Approval Required: employees are required to received advanced approval if the honorarium is \$1,000 in value or more, excluding reimbursement or coverage of reasonable expenses incurred for the employee’s participation including travel, lodging and subsistence. The approval process is the same as seeking approval under section 2-4.

c. Prohibited Honoraria: consistent with RCW 42.52.130, honoraria cannot be accepted in situations where:

- The person offering the honorarium is seeking or is reasonable expected to seek contractual relations with or a grant from EWU and the university employee is in a position to participate in the terms or the award of the contract or grant;
- The person offering the honorarium is regulated by the university and the university employee is in a position to participate in the regulation; or,
- The person offering the honorarium is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of

administration rules or actions, or policy changes by the university, and the university employee may participate in the enactment or adoption of such changes.