



MISSOURI DEPARTMENT OF MENTAL HEALTH

KEITH SCHAFFER, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.665

CHAPTER Human Resources	SUBCHAPTER Employment Rules	EFFECTIVE DATE June 17, 2014	NUMBER OF PAGES 3	PAGE NUMBER 1 of 3
SUBJECT Conflict of Interest/Conflicting Employment		AUTHORITY 1 CSR 20-1.030(3)	HISTORY See Below	
PERSON RESPONSIBLE Deputy Director for Human Resources			SUNSET DATE July 1, 2017	

PURPOSE: To establish guidelines for monitoring employees' outside/secondary employment in order to avoid any conflict with the interests of the department, and to ensure high principles of conduct and ethical behavior in the fidelity and efficiency of department operations.

(1) Department employees will not engage in any activity or employment in which there is a significant potential for or the appearance of a conflict of interest with the functions of the department. Conflict of interest is any activity or employment which would tend to influence a decision; create a bias or prejudice which would favor one side or the other in conflict with the employee's duties; or which conflicts with the accomplishment of the department's mission or goals.

(2) Department employees must report current and anticipated employment that is secondary to their state employment. A request for approval should be made prior to accepting secondary employment if possible. Any employee who holds secondary employment without formal approval should request approval as soon as possible.

(3) Department employees are required to fill out a DMH-8210, 'Application for Determination of Conflicting Employment/Conflict of Interest', specifying the nature of their secondary employment. After submission to the employee's supervisor, it will be forwarded to the appointing authority of that department facility who will determine appropriateness of the request.

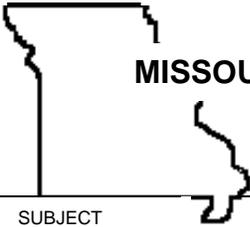
(4) The factors which may be considered in rendering any decision regarding outside employment include consideration of the presence of:

(A) An actual conflict of interest would be presented by the secondary employment in light of the duties of the person's employment with the department and/or functions of the division or department;

(B) The appearance of a conflict of interest would be presented by the secondary employment in light of the duties of the person's employment with the department and the letter notifying an employee of such action shall inform the employee of this right;

(C) The existence of laws and/or regulations which prohibit the secondary employment; and,

(D) (When applicable) The employee's past history concerning secondary employment issues.



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(5) Decisions to deny or approve the request for secondary employment shall be recorded on the DMH-8210. If the request is denied, the reasons shall be provided in writing on the DMH-8210. An employee who disagrees with the appointing authority's decision regarding conflicting employment may request an opinion from the Personnel Advisory Board by writing to: Missouri Division of Personnel, PO Box 388, Jefferson City, Mo 65102, Attention: Director of Personnel.

(6) If secondary employment is approved, it shall be subject to the following conditions:

- (A) Secondary employment must not be conducted or solicited in any manner while an employee is on duty;**
- (B) Secondary employment must not be conducted or solicited from department facilities or while using state equipment or supplies;**
- (C) Uniforms and clothing bearing department identification and insignia must not be worn while conducting or soliciting secondary employment;**
- (D) Standard department procedures must not be bypassed;**
- (E) Secondary employment must not be conducted or solicited at any time while an employee is on standby or actually working after normal hours, nor in any other manner interfere with the performance of the employee's job; and,**
- (F) Secondary employment may not be worked directly or indirectly for contractors, suppliers, or any other business or entity that may be construed to be a conflict of interest.**

(7) The completed DMH-8210 application and any relevant documents will be kept in the employee's personnel file.

(8) Any employee who receives approval for secondary employment must annually resubmit a DMH-8210 for a review of his/her current duties with the secondary employer and that employer's present association with the department. The department reserves the right to revoke authorizations for secondary employment at any time should a conflict of interest develop or laws and/or regulations change. Should revocation be necessary, then the employee will be given a reasonable amount of time to cease secondary employment.

(9) Unless approved by a health care provider, employees may not work secondary jobs while on sick leave, worker's compensation or temporary disability. Employees will be subject to disciplinary action, up to and including dismissal, for working in secondary employment while on sick leave or worker's compensation leave from the department.



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(10) Employees will not be influenced in their duties and responsibilities by any benefit other than their department compensation. Any form of a subsidy that is offered to employee or employee’s benefactors for already duly compensated department service must be reported to the appointing authority of the employee’s facility. Acceptance of any such outside compensation is prohibited, with the employee subject to disciplinary action, up to and including dismissal.

- (11) Employees who are clinicians with private practices shall:**
- a. Not attend any of their private clients while on official department time;
 - b. Not solicit or refer any department clients to their own private practices or otherwise to themselves for services, nor to a spouse’s private practice or any other private practice in which the employee has a financial interest;
 - c. Not accept in their private practices any clients they attend in their department capacities;
 - d. Clarify in privately paid court evaluation or testimony that it is being done independent of the department with a statement such as: “Although I am employed by the Department of Mental Health, this evaluation or testimony is provided independently as a private practitioner.”

(12) Employees may be exempted from the prohibition against using department equipment or supplies if, with prior approval of the appointing authority, they engage in the following activities (such activities may not be performed on official department time if the employee receives compensation for them):

- (A) Survey facilities in other states for accreditation or certification authorities recognized by the department;
- (B) Speak on subjects related to their department duties at conferences, seminars and other events;
- (C) Write articles on professional topics relating to their official duties.

(13) The Director of the Office of Human Resources will review and analyze any statutory, regulatory, or policy changes as they occur to determine their effect on the provisions of this Department Operating Regulation and will make changes as necessary.

History: Original DOR Effective January 17, 2000. Amendment effective July 1, 2002. On July 1, 2003 the sunset date was extended to July 1, 2004. Amendment effective February 1, 2004. Amendment effective November 1, 2004. On July 1, 2008 the sunset date was extended to July 1, 2011. On May 20, 2011 the sunset date was extended to July 1, 2014. On June 17, 2014 the sunset date was extended to July 1, 2017.