



4.05 OUTSIDE EMPLOYMENT AND VOLUNTEER ACTIVITIES

Rule

Outside employment, which includes business ownership, by City employees is allowed subject to the following parameters and process:

Outside employment shall not:

1. Involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City; or
2. Involve receipt of money or other consideration for duties performed as a City employee; or
3. Adversely affect or discredit the City, involve competing with the City in providing a service or product; or place the employee in a position which conflicts with their duties to the City; or
4. Affect the quality or quantity of the employee's performance of their City duties or their availability to report for City Duties as required. ~~Outside employment by City employees is permissible if it does not adversely impact the employee's City work, is in accordance with the City's rules on Ethical Conduct (HR Administrative Rules 11.01, 11.02 and 11.03), the City's Code of Ethics and if it does not create a conflict of interest with the employee's City job. Bureaus may implement more restrictive rules on outside employment. The rules on outside employment apply to both paid and unpaid activities, including volunteer activities.~~

Outside employment shall not:

- ~~1. Involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City; or~~
- ~~2. Involve receipt of money or other consideration for duties performed as a City employee; or~~
- ~~3. Involve competing with the City in providing a service or product; or~~
- ~~4. Involve such time demands as would render performance of the employee's duties less efficient or take precedence over extra duty required by City employment.~~

All Employees

* All employees must make a written disclosure regarding outside employment, including actual or potential conflicts of interest.

In the event of an actual or potential conflict of interest, a written plan to resolve or prevent the conflict is required.

*Members of PPA, PPCOA, and other represented employees whose collective bargaining agreements require disclosure of outside work, shall follow the policies and

procedures described in their agreements. Seasonal employees are not required to submit disclosure forms but must always comply with the State Ethics Statute and City HR rules.

Record Keeping and Violations

Disclosure forms and written plans shall be retained in the employee's personnel file.

Written plans may be revised or revoked at any time.

This rule addresses specific requirements regarding Outside Employment but otherwise incorporates the State Ethics Statute, ORS 244, the City's rules on Ethical Conduct, HR Administrative Rules 11.01, 11.02 and 11.03, and the City's Code of Ethics. Any City employee who violates any aspect of this policy and the principles related to this policy shall be subject to discipline, up to and including discharge.

Bureaus may work with BHR to tailor a more restrictive policy to meet individual bureau needs within the limits of applicable collective bargaining agreements.

Employee Responsibility and Procedures

In the event that outside employment involves actions which may be directly or indirectly subject to the control, inspection, review or audit by the City, it is the employee's responsibility to report the details of the employment to their supervisor. Any outside employment that may border on violating the above stated principles or may give the appearance of impropriety must also be reported.

Volunteerism

The City of Portland encourages employees to become involved in their communities. When such volunteer activities occur during regular working hours, employees must receive approval from their supervisor to participate. Employees generally will not be paid for volunteer activities that occur during regular working hours, although, with supervisory approval, they may use vacation leave, compensatory time or a flex schedule. In some limited circumstances where the volunteer activity is directly related to the bureau's mission and is approved by the Director, employees may receive pay for participation during regular working hours in such activities.

If authorized by the mayor or commissioner in charge, an FLSA covered employee may receive pay for volunteer activities outside of their regular work hours if the activity is related to an emergency. FLSA exempt employees may be allowed to flex their schedule to accommodate their participation in volunteer activities related to an emergency. For the purpose of this provision, an emergency is an emergency pursuant to Human Resources Administrative Rule 4.11 Inclement —Weather, or necessitated by an emergency as declared by the Mayor pursuant to Portland City Code section 15.08.02 or another declared emergency pursuant to Portland City Code.

Potential Conflict of Interest

If an employee's outside employment or volunteer activities entail responsibilities that include financial transactions or financial decisions involving funds received directly or indirectly from the City, the employee must inform their bureau director in writing of the potential conflict. The bureau director shall determine if an actual conflict exists and if so, document how the conflict was addressed. The bureau director shall also provide that documentation to the City Controller.

**Accepting Outside
Employment**

Except as otherwise provided in this rule or by ordinance, no person holding a budgeted position in the City shall be granted a leave of absence for the purpose of engaging in outside employment without approval from the Director of Human Resources. This ~~prohibition~~ does not apply to unpaid activities.

**Administrative Rule
History**

Adopted by Council March 6, 2002
Effective April 5, 2002
Revised October 15, 2002
Revised September 16, 2005
Revised July 9, 2007
Revised December 4, 2013
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Proposed Revisions