

Adopted as Amended on the floor

Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A

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DRPA-10-052
New Business: August 18, 2010
Board Date: August 18, 2010
Revising the Authority's
Policy and Procedure
Manual Series No. 151
Regarding Outside
Employment

RESOLUTION

RESOLVED: That the Board amend the Authority's existing policy regarding outside employment by Authority employees, to clarify the policy and to require all employees who are Officers or Directors to seek and obtain specific Board approval before obtaining or continuing other employment while employed by the Authority and that no outside employment may conflict with the conduct of the employee's Authority responsibilities.

SUMMARY: **Amount:** **N/A**
 Source of Funds: **N/A**
 Capital Project #: **N/A**
 Operating Budget: **N/A**
 Master Plan Status: **N/A**
 Other Fund Sources: **N/A**
 Duration of Contract: **N/A**
 Other Parties Involved: **N/A**

OGC

SCOPE

Defines the Delaware River Port Authority and Port Authority Transit Corporation (collectively, the “Authority”) policy and procedure regarding the outside employment of all regular full-time employees.

PURPOSE

To provide all Authority employees with an explanation of rights and responsibilities in the matter of their participation in outside employment while employed in a regular, full-time position with the Authority.

COMMENT

The Authority does not seek to unduly limit or interfere with employees’ use of their free time. It recognizes that employees may have numerous reasons to seek an additional source of income, e.g., financial pressures or entrepreneurial ambition, etc. Nevertheless, the Authority must ensure that employees’ outside employment does not adversely affect their ability to satisfy their obligations as regular, full-time employees of the Authority, or in any way conflict with the interests or reputation of the Authority.

POLICY

Regular, full-time employees are expected to devote their working energies to the performance of their duties at the Authority. While employees may be permitted to engage in paid outside employment, such activity is not encouraged. While this holds true for all Authority employees, it particularly applies to those holding supervisory and management level positions, as specifically addressed below. The Authority, however, does encourage employee participation and involvement in non-profit or community activities.

Before requesting permission to accept outside employment, employees are cautioned to consider carefully the demands that a second job will put on them and the potential problems such demands might cause. Employees should understand that their primary responsibilities are to the Authority, and that any conflicts with a second job will not be an acceptable excuse for poor performance, absenteeism, lateness, leaving early, refusal to travel, refusal to work overtime or different hours, or the breaking of work rules. If outside work activity does cause or contribute to job-related problems, such outside employment must be discontinued. If necessary, normal disciplinary procedures will be followed to address specific problems.

Regular full-time employees must obtain prior approval from management before accepting outside employment. Current employees who are holding a second job must inform their Division management of that fact and provide sufficient information regarding it to permit an evaluation of its propriety. Applicants seeking regular full-time employment must disclose their intention to continue outside employment prior to accepting a job offer from the Authority. If management decides that the employee’s “moonlighting” is not likely to interfere with the Authority’s interests in any way, then such employment will generally be permitted.

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Due to their responsibilities to the Authority, all Officer and Director level employees of the Authority (which shall also be deemed to include the PATCO General Manager, the General Counsel, the Assistant General Manager of PATCO and the Police Chief), must obtain prior approval of the Authority Board before accepting outside employment. Such approval shall be at the sole discretion of the Authority Board.

The Authority should not be put in the position of having its benefit dollars used to subsidize outside employment. Accordingly, employees who participate in outside employment are not eligible for paid Sick Leave, Administrative Leave, or Workers Compensation Leave and benefits when the absence is used to work on the outside job or is the result of an injury sustained on the second job. Fraudulent use of sick, personal absences or fraudulent workers compensation claims will be subject to disciplinary action.

PROCEDURE

For all Regular Full Time-Employees

1. Employees are responsible for notifying and obtaining the approval, through the chain of command, of their Chief/Division Director, with respect to any outside employment.
2. The Chief/Division Director will forward the request for approval to Human Resource Services recommending either approval or disapproval. Human Resource Services will review the recommendation and forward its recommendation to the CEO/President who will have final responsibility for approving or disapproving outside work requests.
3. Division Management and Human Resource Services will strive to maintain flexibility in these matters, and will not obligate themselves to follow a set decision-making process or a fixed list of considerations. Management will consider employee requests for outside job authorization on a case-by-case basis.

For all Officers and Directors

1. Officers and Directors are responsible for notifying and obtaining approval from the Authority Board prior to accepting any outside employment.
2. The Authority Board will take up such request as soon as practicable, but, assuming sufficient advance notice, no later than the next meeting of the Authority Board. Each request shall be determined on a case-by-case basis.

This authorization process should limit the likelihood of Authority infringement on the privacy rights of employees. Particular attention, however, will be paid to outside work requests that might reduce the employee's efficiency in performing his/her work for the Authority, or would involve an employment relationship with an organization which does more than nominal business with the Authority, such as contractors or suppliers.

RESPONSIBILITIES

All Authority employees are responsible for refraining from engaging in any outside

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activity which compromises or is detrimental to the interests of the Authority. Employees are prohibited from using Authority equipment or tools in their outside employment, and are not to conduct any outside business during paid working time.

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