



**NEW JERSEY DEPARTMENT OF AGRICULTURE
DIVISION OF FOOD AND NUTRITION
CHILD AND ADULT CARE FOOD PROGRAM**

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**INTERIM REGULATION
CACFP: IMPLEMENTING LEGISLATIVE REFORMS TO STRENGTHEN PROGRAM INTEGRITY
67 FR 124: JUNE 27, 2002**

Outside Employment Policy

Section 226.16(b)(7): Each sponsoring organization is required to submit to the Child and Adult Care Food Program office all information required for its approval and the approval of all child care and adult day care facilities under its jurisdiction, including a copy of their outside employment policy. The policy must restrict other employment by employees that interferes with an employee's performance of Program-related duties and responsibilities, including outside employment that constitutes a real or apparent conflict of interest.

SUBMIT A COPY OF YOUR AGENCY'S OUTSIDE EMPLOYMENT POLICY.

Attached are prototype forms to assist your agency in meeting this requirement.



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CACFP SAMPLE OUTSIDE EMPLOYMENT POLICY

(NAME OF AGENCY)

OUTSIDE EMPLOYMENT P O L I C Y

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Approval:	Effective Date:

I PURPOSE

To establish guidelines governing outside employment by employees of _____ (Name of Agency)

II AUTHORITY

A. Employee Pamphlet

III RESPONSIBILITY

Employees are responsible for good faith compliance with this policy. Each employee must obtain approval from the Director in order to hold outside employment, to include an interest* in a firm, association, partnership or corporation, or to hold another office or position. Each new employee must report to the Director any office or position held, or any outside employment held. Directors are responsible for implementing this policy.

IV DEFINITION

Outside employment - The holding of outside employment, to include an interest in a firm, association, partnership or corporation, or the holding of another office or position by an employee of this agency.

Interest - Means the ownership or control of more than 10% of the profits or assets of a business; or the ownership or control of more than 1% of the profits or stock in any business.

IV POLICY

- A. No employee of the agency shall hold outside employment, to include an interest* in a firm, association, partnership or corporation or hold another or position without the prior approval of the Director and the concurrence of the Board. (*See definition of interest.)
- B. Outside employment may be authorized by the Director and the concurrence of the Board if it will not:
 - 1. Constitute a conflict of interest of the agency or the agency's Employee Code of Ethics.

POLICY

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2. Interface with or infringe on the employee's working hours.
 3. Interfere with or detract from the employee's performance or efficiency in the position.
- C. Outside employment initially determined not in conflict with the employee's position of employment with the agency is exempt from future annual disclosure requirements. Whenever the conditions under which the outside employment was initially approved have changed (i.e., outside employment was terminated, employee wants to seek other outside employment, or employee's job has changed, etc.) the employee must notify the Director.
- D. Willful violations of this policy shall be cause for disciplinary action. Such actions include fines, prison terms, removal or suspension from office, ineligibility for future employment, and disciplinary action by the agency.

VI PROCEDURE

- A. Each employee seeking approval for outside employment must complete an Outside Employment or Business Approval Request form (Exhibit A) and submit it to the Director for approval.
- B. After the Director has reviewed, acted upon, and signed the Request, it will be forwarded to the Ethics Officer for review.
- C. After review (within one week), the Ethics Officer will transmit copies of all requests to the Board, the Director, and the employee.
- D. Employees whose outside employment is approved by the Department may proceed on the basis of the agency determination unless authorization is later overturned by the Board.
- E. The Director will advise new employees of the policy on outside employment, and as appropriate, have employees complete a Outside Employment or Business Approval Request form. The employee will submit it to the Division Director for approval.
- F. Each employee whose outside employment has terminated must notify the director. Each employee who wants to change outside employment (i.e. another job or promotion, or change of responsibilities, etc.) must acquire prior approval by completing a new Outside Employment Approval Request.