



“An Excellent Authority”

Service Instruction **POD**
Secondary Employment

Document Control

Description and Purpose

This document is intended to give guidance to all employees regarding outside employment and the notification process to be followed

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Nov 2010	Nov 2011	A Cross	N Mernock	Magda Jordan
Permanent	<input checked="" type="checkbox"/>	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
SI 0194	unknown	Clarification of the definition of secondary employment	A Cross
		Simplification of the notification process	

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	<input checked="" type="checkbox"/>	June 10	DAG	Public folders

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
Old SOP	ADM0091		Document archived
SI	0581	Employee Volunteering	Committee Services

Contact

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Target audience

All MFS	<input checked="" type="checkbox"/>	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Relevant legislation (if any)

Working Time Directive

SECONDARY EMPLOYMENT

Introduction

This Service Instruction applies to all employees and should be read in conjunction with the Authority's Code of Conduct and Service Instructions relating to Time of for Public Duties, Reservists, Voluntary work and the Working Time Regulations.

Secondary Employment

For the purposes of this policy, secondary employment includes;

- Paid activities and/or work for an outside third party. Employees who undertake voluntary work for voluntary bodies and organisations should not undertake such activities if that impacts upon employment availability for MF&RS (such as RNLI, charity bodies, etc)
- self-employment
- Carrying on any trade or business for hire or gain.
- participation in a sport as a profession

It is not intended to cover employees who have permission to undertake public duties.

The Authority is the primary employer as a result employees are **not** be permitted to hold any other office or employment, without the express permission of the Fire Authority. The Authority may apply conditions and restrictions when granting approval, as they think fit.

Authority requirements

The Authority requires that efficiency and performance of official duties shall not be impaired by secondary work and it must be satisfied at all times that its interests are not being detrimentally affected in this respect.

The Authority must also be in a position to rebut with confidence any allegation that the integrity of its administration and or reputation is being impaired because of the leisure time activities of its employees

Employees must not therefore undertake activities, which might lead to suspicion of undue favour being granted, or undue or improper influence being exercised in relation to contracts, or any kind of consent, permission, licence etc that members of the public seek from the Authority or any activity, which may bring the Authority into disrepute.

Requests

Requests will be submitted on Form OE1 ([Appendix A](#)) to POD either in writing or to the Contracts and Policy Team e mail address. The POD team will confirm receipt of the application and check that the form is fully completed with insurance details provided when appropriate. Incomplete information may result in approval being delayed and the employee will not be able to undertake the activities defined as secondary employment until permission is secured. The Contracts and Policy team may write to the secondary employer to confirm that the hours worked will not take the employer beyond the Working Time Directive.

Service Instruction 0194: Secondary Employment

Permission must be sought on an annual basis and will also be sought on any occasion when an employee proposes a change of outside employer or in the nature of the secondary activity undertaken.

Permission will not be granted for any secondary employment/ activities which, in the opinion of the Authority, are dangerous or otherwise poses a serious risk of injury or illness to the employee, their colleagues or the wider community.

Employees must ensure that their total working hours do not exceed the limits as laid out in the Working Time Regulations and in respect of taking required rest breaks.

Commitments arising from outside employment must not impair with the employee's attendance or efficient performance of their role. There must be no interference with any requirement set out in their contract of employment, including requests to work overtime or additional hours on official duties or to attend training courses. Secondary employment must not interfere with the necessity to work at any Authority location or any recognised duty system either on a temporary or permanent basis.

In order to comply with the requirements of Road Traffic Legislation, it is necessary for the Authority to request information regarding the undertaking of secondary or voluntary employment whereby persons are tasked with driving activities. In these cases the Authority can make an informed risk assessment with regards to individuals who may or may not be allocated driving duties.

Final decisions on applications to undertake secondary employment will be given to applicants as soon as possible after their receipt. Members who are aggrieved by decisions to refuse permission may appeal in writing to the Director of POD

All outside employment details will be held on the Authority's Management Information System and on the employees personnel file.

It is the Authority's intention to encourage an open culture where people are not apprehensive about disclosing their business interests and/or other employment.

However, the undertaking of other employment without permission will be regarded as a serious breach of discipline and may be considered "gross misconduct".

Insurance

An employee of the Authority taking outside employment with another company will be covered by that organisation's Employers Liability Insurance Policy.

Employees of the Authority working for themselves must take out their own Insurance Policy.

Insurance Policy details must be enclosed with your request, detailed on your request form and updated annually.

Working whilst on sick leave

An employee who works for another party or on a self employed basis whilst on sick leave will be regarded as working without permission and this will be considered to be Gross Misconduct. Where an employee is undertaking voluntary work this should also be suspended **unless** the Authority's Occupational Health Dr specifically states that this would be beneficial to the employee's recovery.

If in the opinion of the Authority an employee has substantially aggravated any injury or illness by neglect or default, or has refused or neglected to co-operate fully in any medical treatment that the Authority considers necessary the Authority will review the entitlement to paid sick leave.

If an employee who has been given permission for secondary employment is placed on light duties, that permission will be reviewed until they return to their normal duties and permission may be withdrawn or amended according to the circumstances.

The potential consequences of failing to adhere to this policy may result in disciplinary action which could lead to dismissal.

Sickness attributable to other employment

If, in the opinion of the Authority acting on medical advice, the absence from duty is due to an illness or injury that is wholly attributable to the employee holding any other office or secondary employment, or carrying on a trade or business, or participation in a sport as a profession the Authority reserves the right to review the employee's paid sick leave

Withdrawal of permission for other employment

Permission for other employment will be withdrawn from any employee where attendance or time keeping is a concern.

The Director of People and Organisational Development may allow an employee with more than the prescribed absence to continue to undertake other employment where it can be clearly demonstrated that this level of absence is quite exceptional when examined against the employee's total service sickness record.

Employees seeking restoration of permission for secondary employment must re-apply following the process outlined [above](#).

An employee who is convicted of a criminal offence, including driving penalties resulting from their secondary employment must disclose this information to the Authority. A failure to do so may in itself be considered to be a disciplinary matter.

Restrictions on secondary employment

No employee of the Authority is to undertake paid or unpaid employment, or carry on any trade or business for any person, firm or company who the employee knows or believes is:

- Applying (or applies on a periodic basis) to the Authority for a statutory consent, permission, discretionary licence or any other purpose (e.g. for a petroleum licence, grant of or exemption from fire certification requirements);
- In a contractual relationship with, or has been commissioned by, the Authority with regard to any matter (e.g. the provision/supply of goods, services or facilities); or
- Concerned with any property (i.e. buildings/land) transaction with the Authority

If an employee undertakes work for any person, firm or company who subsequently applies for any consent etc., or becomes involved in any contractual relationship or property transaction with the Authority, the employee must immediately terminate the employment.

Outside employment must not be undertaken for any person, firm or company with whom an employee deals with in the course of their official duty.

Service Instruction 0194: Secondary Employment

Work or other matters connected with outside employment must not be undertaken during working hours or on official premises even after normal working hours. This includes the receipt or making of telephone calls connected with secondary employment while at work.

No article of Authority uniform or equipment may be worn or used for any purpose associated with outside employment.

Vehicles having identification or adaptation for use in connection with outside employment will not be parked on Authority premises. This includes taxicabs, vehicles carrying logos, trucks, trailers, commercial vans etc.

Under no circumstances must the name of the Authority or the fact that members are employees of the Authority be used in any way in connection with outside employment.

All employees have a duty to report any known breach of the conditions on which outside employment is permitted, or any apparent case in which the performance of official duty has or is being impaired as the result of private work being undertaken.

The Authority reserves the right to withdraw or otherwise amend the terms of that permission at any time at one month's notice or less where, in the opinion of the Authority the nature of the employment is dangerous or otherwise poses a risk of serious injury or illness to the member.

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Application for Permission to Engage in or Undertake Secondary Employment

1. Personal Details

Full Name	Full Name of Employee
Service No:	Service Number
Role/Job Title	Full Job Title
Current Working Hours per week	Working Hours
Line Manager Name	Name of Line Manager

To the employer

I would like to apply to seek permission to engage or undertake Secondary Employment in addition to my role held with the Authority as detailed above and confirm that this application is one of the following:

- This is my first application to seek such permission
- This is to cancel any previously approved application
- This is to make an amendment to my previously approved application
- This is to renew my previously approved application

2. Secondary Employment Information - If you are going to be self employed please go to section 3

Name of Proposed Employer/Voluntary Body	Full name of organisation
Full Postal Address	Provide full postal address of organisation
Job Title	Full Job Title with Other employment

Please provide in the following box the precise nature of activity that you will undertaking in this role (Please attach a job description/ outline of activities where available)

Give Detail of Activity in this box and attach a copy of the job Description to the form or attach as an additional document in the e-mail

3. Self Employment

Name of your company	Full Name of organisation
Full Postal Address of your company	Full postal address

Please describe the main activities that you propose to undertake?

Detail the main activities here

4. Insurance Details and Further information

Number of days and hours per week in the proposed activity /employment

Please provide details of the actual number of days and hours

Do you have insurance covering your Secondary employment? Please provide copies of the insurance cover.

Yes / No

Name of Insurance company

Full Name of insurance company

Policy Number

Full Policy Number

What are the risks associated with this Employment?

I confirm that I have read and understood Service Instruction 0194 and, in the event of this application being approved I undertake to comply strictly with the conditions set out in that instruction. I also understand that I have an obligation to provide you with any amendments of the detail contained on this application form and if I wish to continue carrying out this Secondary Employment that I must renew this on an annual basis.

Full Name (please print)	
Signature	
Date of Application	

Authorisation

POD Director Signature

Date