

D.2.4.3 (Procedure) Conflict of Interest: Assignments and Outside Activities

Responsible Department: Human Resources, Legal

Based on Board Policy: D.2.4 - Nepotism, Conflicts of Interest

Approved: 4-28-09

Last Amended: 7-12-12, 9-21-20

Primary Assignment

In this procedure, “primary assignment” means the full-time College District position that an employee holds.

Full-time College District employees may not have full-time employment or assignments, paid or unpaid, outside the College District.

They may, however, in addition to their primary assignment, have (1) additional employment or other assignments or activities outside the College District; or (2) additional **adjunct or CE teaching** assignments **as an adjunct or CE instructor** within the College District, provided:

1. It does not interfere with or detract from the employee’s primary assignment;
2. Except as provided in C.2.7.1, any employment or other activity outside the College District does not result in the use of College District property, facilities or personnel;
3. Assignments to perform work for another College District department do not result in the use of departmental property, facilities, or personnel of the department of an employee’s primary assignment;
4. The additional work is not performed during duty hours of the employee’s primary or other College District assignments, which for full-time employees is 40 hours per week from 8:00am to 5:00pm Monday through Friday or in accordance with an approved alternative schedule (D.2.5.1), unless otherwise approved by the employee’s President/Vice Chancellor.
5. The equivalent of the total of all additional internal and external work is less than the level that would be eligible for fringe benefits;
6. It does not bring the employee into conflict with the interests of the College District or the State of Texas;
7. Except as provided in C.2.7.1, the employee shall not use his/her affiliation with the College District in connection with outside employment or activities including the endorsement of goods or services, whether the endorsement is compensated or not;
8. The activity is disclosed in writing (utilizing the link below) to the employee’s supervisor at least one full month before the start of the proposed outside work assignment or, in the case of outside teaching assignments, at least one full month before the start of the Alamo Colleges semester (fall, spring or summer);

https://share.alamo.edu/finance-administration/hr/_layouts/15/WopiFrame2.aspx?sourcedoc=%7B9377C8D7-2B1A-4ACE-BB5D-D4E800EEA05B%7D&file=Reporting%20Other%20Assignments.pdf&action=default&IsList=1&ListId=%7B732E260C-812B-4081-9D0B-9DE0A0F56792%7D&ListItemId=32

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9. Vice Presidents/Associate Vice Chancellors are responsible for promptly evaluating all requests received, rejecting requests that do not conform to Alamo Colleges policies and procedures and, promptly submitting all requests that merit further consideration to the President/Vice Chancellor for consideration for approval.

Honoraria

Texas Penal Code 36.07 states that it is a Class A misdemeanor for public servants to solicit, accept or agree to accept an honorarium for performing services that the public servant would not have been requested to provide but for the public servant's official position or duties. Public servants are not prohibited from accepting transportation, lodging expenses and meals in connection with a conference or similar event in which the public servant renders services such as addressing an audience or engaging in a seminar.

“Public servant” is defined in Texas Penal Code 1.07 as a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties:

- (A) An officer, employee, or agent of government;
- (B) A juror or grand juror; or
- (C) An arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; or
- (D) An attorney at law or notary public when participating in the performance of a governmental function; or
- (E) A candidate for nomination or election to public office; or
- (F) A person who is performing a governmental function under a claim of right although he is not legally qualified to do so.

“Government” includes College Districts as political subdivisions of the State.

Whether or not a College District employee may accept payment for services rendered without violating Texas Penal Code 36.07 is up to the employee. Because the Penal Code carries penalties that are personal in nature (such as personal fines not paid by the College District and even possible incarceration) the College District, including the Ethics and Compliance Office and Office of Legal Services, shall not render advice about whether or not a particular circumstance may violate the Penal Code provisions.

That having been said, employees who perform an engagement for which they will receive compensation, whether in the form of payment for services rendered or anything that may be considered an honorarium as defined above shall use vacation or personal leave if the engagement is during College District working hours. When employees accept an engagement for which they will not receive payment for services rendered or anything that may be considered an honorarium as defined above, and the employee’s supervisor determines that the employee is representing the College District by performing this service, even if the service is performed

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during work hours, the employee will not be required to use leave. This will be determined on a case-by-case basis, and performing a service for which an employee does not receive payment for services rendered or an honorarium does not automatically exempt an employee from the requirement to use leave while performing the service during work hours.

College District Resources

No full-time or part-time employee shall use College District time, property, facilities, personnel, or any other College District resource for any outside employment or assignment, or any other activity that is not official College District business performed in carrying out the employee's assigned College District duties. This prohibition includes, but is not limited to, using College District internet, email, telephones and information technology equipment and services, fax machines, copiers, postage meters and the like for non-College District purposes.

Compliance with Code of Conduct

Employees shall comply with standards of conduct as prescribed by law, College District policy and the College District Code of Conduct.