

## **RFMH OUTSIDE ACTIVITY POLICY**

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*No RFMH employee may engage in any outside activity which would interfere with the proper conduct of his or her RFMH duties. This rule applies whether or not the employee receives compensation from the activity.*

*This Outside Activity policy complements the Employee Conduct and Conflict of Interest requirements that are described in the Employee Handbook and the RFMH Policy on Significant Financial Interest.*

### **What is an Outside Activity?**

Any personal service activity outside of an employee's RFMH assignment, other than Activities with the New York State Department of Mental Hygiene (OMH, OMRDD, OASAS), for which a fee, salary, retainer, stipend, or honoraria is paid, or where travel reimbursements are made, or any other consideration of value is received in payment or recognition for services rendered. Also included is service on Boards of Directors or similar policy making bodies regardless of whether any consideration of value is received.

### **What are examples of Outside Activities?**

- All privately conducted professional and technical services,
- Teaching and/or lecturing,
- Consulting,
- Receipt of honoraria or travel reimbursement,
- Membership on a corporate board (including non-profit boards), and
- Any services provided in connection with an academic affiliation

### **Who must file for approval of Outside Activities?**

- Full and part time employees in positions Grade 23 and above.
- Hourly employees, Grade 23 and above, who are in policy making positions. This determination will be made by the Managing Director or designee prior to hiring.

### **Why are employees required to file for approval of Outside Activities?**

RFMH Policy requires employees to file for approval of Outside Activities to allow a determination as to whether there is a "conflict of interest" or a "conflict of commitment" between the Outside Activities and the employee's RFMH duties.

A **conflict of commitment** means the Outside Activities would interfere with the employee's ability to perform the employee's RFMH job during regularly scheduled RFMH work hours.

A **conflict of interest** means the Outside Activities presents the risk that the employee will no longer act out of undivided loyalty to the interests of RFMH in doing the employee's RFMH job, but may instead act out of self-interest. Whether or not the employee *actually* will act out of self-interest is not the issue. The risk that the employee's actions *may* be influenced by self-interest creates an *appearance of impropriety* which itself undermines the reputation of RFMH and makes the outside activity impermissible.<sup>i</sup>

### **When must an employee file for approval of Outside Activities?**

Employees **must** apply for and receive approval prior to engaging in Outside Activities. If an employee has received prior approval but the employee's RFMH duties or outside activity materially change, the employee must receive new approvals.

### **How does an employee file for approval of Outside Activities?**

- Employees must complete the RFMH, Application for Approval of Outside Activities, and submit it to their supervisor.
- Supervisors should review the forms to ensure completeness and assess whether or not they think there will be a conflict in commitment or a conflict of interest between the Outside Activities and the employee's RFMH duties. Supervisors may elect to approve or disapprove an employee's Outside Activities request. If a supervisor has concerns, he or she may wish to discuss those with the Managing Director or the Managing Director's designee prior to acting on the request. If the supervisor approves the Outside Activities, he or she should sign the form and forward it to the attention of the Managing Director or the Managing Director's designee. At that stage of review, the forms will again be reviewed for completeness, and to assess whether there is a conflict of commitment or a conflict of interest, real or apparent, between the employee's duties as a RFMH employee and the outside activity. The Managing Director or designee may refer applications to the appropriate Conflict of Interest Committee for review and recommendation if it is unclear whether the proposed activity does involve a conflict of commitment or a conflict of Interest. For the purpose of approval of Outside Activities the Managing Director's designee at each Institute is the RFMH Director for Administration.
- Outside Activity applications from a RFMH Director for Administration will be reviewed by the Managing Director of RFMH. Outside Activity applications from the RFMH Managing Director will be reviewed by the President of RFMH.
- Forms will be returned to the employee if there are errors or omissions to be corrected, or if the outside activity request is being denied due to a conflict of interest or commitment.

If the outside activity is approved, a signed copy will be returned to the employee and the original will be kept in the employee's Personnel file.

### **Are there Outside Activities rules governing employees Grade 22 and below?**

- Outside Activities cannot interfere with their duties in their RFMH job. Also, all employees must follow all applicable ethics and policy rules and limitations governing Outside Activities.

### **Are there still limits on what employees can do if Outside Activities is approved?**

Yes, even with the required approvals, employees engaged in Outside Activities are prohibited from:

- Engaging in activities which present a conflict of interest (or the appearance of impropriety) with regard to the proper discharge of duties as a RFMH employee.
- Selling any goods or services having a value of more than \$25 to RFMH or DMH (except by way of competitive bid).
- Contracting or providing any goods or services having a value of more than \$25 to a private entity where the decision to contract, appoint or retain on behalf of the private entity is exercised, directly or indirectly, by RFMH or DMH (except by way of competitive bid).
- Using the designation of RFMH or DMH in connection with any notice, business card, bulletin, or brochure related to outside Activities.
- Selling any goods or services to any entity which is licensed or whose rates are fixed by DMH.
- Engaging in such activities during regular duty hours.
- Using on-duty RFMH or State employees in the conduct of outside Activities.

- Carrying out such activities at any RFMH or DMH location.
- Using any RFMH or State-owned facilities or equipment.

**What can you do if your application is disapproved?**

- You should first provide any relevant additional information, clarification or justification, in writing, to your supervisor and ask for a re- review of the application.
- If the application is again disapproved you may submit a written appeal, including the supporting documents, to the Governance Committee of the RFMH Board of Directors which will review the appeal and make a final determination.

*For questions and additional information, please contact:*

- *For RFMH employees at the Research Institutes:*
- *NKI Janie Rathjan (845) 398 5410*
- *IBR Susan Tomaselli (718) 494 5106*
- *NYSPI, Central Office, and all others Megan Gigliotti (518) 402-2719*

**What are the consequences of not seeking prior approval of outside Activities?**

- Disciplinary action will be taken if an RFMH employee does not comply with this policy. Such actions may include, but are not limited to, verbal warning, written warning, suspension or immediate termination. The action taken will depend, in part, on the nature of the violation and the work history of the employee.
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<sup>i</sup> Employees who plan to engage in an outside activity with any entity which has a business relationship with RFMH, must rule out a potential conflict of interest before engaging in the activity. For example, a researcher may not do private consulting for a company which is sponsoring his or her State DMH or RFMH research, even if the subject of the outside consulting is completely unrelated to the State DMH or RFMH project. Conflict of interest issues may also arise if a researcher is doing private consulting for, or has a financial relationship with, a company which provides drugs, devices or other support for his or her research.