



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
AGENCY POLICY STATEMENT**

SUBJECT: Employment Conflicts

INDEX NUMBER: 217.00

EFFECTIVE DATE: 26 September 2022

PURPOSE: To communicate to employees of the Division of Administrative Services (Hereinafter the Division) the requirements of relevant State law, rule, and policy governing the use of a public official's or public employee's office for private gain, including nepotism.

REFERENCE: West Virginia Code §15A-2-1 et seq, §6B-1-1 et seq, and §6B-2-1 et seq, the Administrative Rule of the Division of Personnel (Hereinafter DOP) 143CSR1, and DOP Policy P21 Other Employment and Certain Volunteer Activities.

RESPONSIBILITY: None.

CANCELLATIONS: Any previous written or verbal instruction on this subject.

APPLICABILITY: All Division of Administrative Services employees.

DEFINITIONS: Definitions of terms relevant to this Division policy shall be those found in relevant State law, rule, and policy referenced herein. To the extent a conflict may exist between this Division policy and State Law, or Legislative Rule(s), or a policy adopted under such laws or rules, such other law, rule, or policy controls.

POLICY:

- I. All employees of the Division, regardless of position or civil service status, shall comply with applicable law, rule, and policy governing employment conflicts, including nepotism.
- II. An employee of the Division, regardless of position or civil service status, shall not knowingly or intentionally use their office or position for his or her own private gain or that of another person. See WV Code §6B-2-5(b)(1).
- III. An employee of the Division may not show favoritism or grant patronage in the employment or working conditions of his or her relative or a person with whom he or she resides. See WV Code §6B-2-5(b)(4).
- IV. An employee may be required to file a financial disclosure statement to the State Ethics Commission as set forth in WV Code §6B-2-6. Required filers are typically notified by email from the Ethics Commission staff prior to the annual filing period.

- V. Division of Personnel Policy DOP-P21 “*OTHER EMPLOYMENT AND CERTAIN VOLUNTEER ACTIVITIES*” sets forth the premise that state employment is considered the primary employment of a state employee and that other employment/volunteer activities must not interfere with, conflict with, or have the appearance of conflict with an employee’s primary employment with the state.
- A. DOP-P21 sets forth relevant general prohibitions, standards, and procedures.
- B. DOP-21 provides a standard request form for a state employee to complete when requesting a determination to engage in other employment and certain volunteer activity. The form is available online at DOP’s website. Please contact the Division’s Human Resources Section, Employee Relations Unit, if you have any questions. Division employees shall use this form to request a determination to engage in other employment and certain volunteer activity.

ATTACHMENTS: None.

APPROVED SIGNATURE:  09/26/2022
Michael V. Coleman, Director **Date**