

CONSULTING/OUTSIDE EMPLOYMENT DISCLOSURE AND APPROVAL FORM

New Mexico State University

Pursuant to New Mexico law, public employees must disclose all outside employment. Under NMSU Policy, outside consulting time requires written permission.

Faculty or Staff Member:

Name:

Banner ID:

Department:

Consulting Client or Outside Employer

Identity:

Address:

Describe Activity:

Dates of Activity and Time Commitment:

I certify the above information is correct and that (check or initial one):

☐ my outside employment commitment occurs entirely outside my working hours at NMSU and will not interfere with performance of my employment obligations at NMSU.

OR

☐ my total consulting time does not average more than one day per week during the months of full-time employment (excluding those days when the University offices are officially closed), does not appear to create a conflict of interest, and will not interfere with performance of my employment obligations, including meeting all scheduled classes, at NMSU (faculty and employees authorized for consulting time).

AND

☐ Further, I certify that no university facilities, equipment, personnel, or supplies, not freely available to the general public, will be used in this consulting or outside employment unless arrangements to reimburse the university have been made in advance.

Signature of NMSU Employee _____ Date: _____

ACKNOWLEDGEMENT AND APPROVAL:

Dept. Head or Supervisor: _____ Date: _____

Dean or Vice President: _____ Date: _____

RELEVANT LAW AND NMSU POLICY REFERENCES:

Governmental Conduct Act, NMSA 1978, Section 10-16-4.2 requires that all state employees disclose in writing to their employer all outside employment engaged in by the employee other than employment with, or service to, a state agency or local government agency.

NMSU Policy 4.50 stipulates that employees may not engage in outside business activities while on duty. It further stipulates that employees holding a part or full-time second job should not allow such employment to interfere with their performance or attendance. An NMSU supervisor may ask an employee to terminate outside employment if the supervisor can reasonably demonstrate that the outside employment is negatively affecting performance or attendance.

NMSU Policy 5.30 is specific to faculty members and relates to their consulting activities, which are defined as: services for compensation, not disbursed by the university, in an employee's area of specialization. Although faculty members are permitted to engage in consulting activities that average not more than one day a week, they are required to obtain prior written permission for consulting time from the faculty member's direct supervisor and appropriate dean or director. When it is not possible to obtain prior approval, notification should occur as soon as possible.

Causes for denial of consulting privileges include, but are not limited to: a clear conflict-of-interest situation, unprofessional conduct by the faculty member negatively reflecting on the university, significant interference with assigned university activities, consulting time exceeding an average of one day a week, or misuse of university facilities, equipment, personnel or supplies. A faculty member may appeal a denial to the Faculty Grievance Review Board.

NMSU Policy 8.25 provides guidelines for consulting by exempt employees whose full-time duties and responsibilities are similar to those of faculty. Again, prior approval by supervisors is necessary, as is approval by the executive vice president and provost.

NMSU Policy 3.20.15 requires submission of annual conflict of interest disclosure forms. All outside employment and consulting should be indicated on the annual Conflict of Interest disclosure form, irrespective of the separate disclosure, and where applicable, approval, in any other form or format.