



Rules for reporting secondary employment for teachers and employees covered by the Managerial Agreement

1. Introduction

Secondary employment is an important part of teachers' interaction with society, but it should also be clear that these secondary employments must be properly managed. The general public should feel assured that teachers are not being influenced by their secondary employment in their professional role and its execution. Secondary employment should be handled transparently and kept quite separate from the employee's regular work at the university.

According to Chapter 4, Section 15 of the Higher Education Ordinance and Section 2 of the Managerial Agreement in 2010 with the decision dated 25/03/2011, reg no. 301-845-11 on the establishment of a local head circuit at Umeå University, teachers and those employees covered by the Managerial Agreement are required to report secondary employment.

Accountability also forms part of our efforts to build trust and transparency in the management of secondary employment at the university. Teachers and employees covered by the Managerial Agreement must therefore account for the secondary employment they have or plan to undertake in the coming year. The university will then review the reported secondary employment to determine if this may affect the teacher in his or her professional role at the university.

More detailed information on what constitutes a secondary employment, which secondary employments are to be reported, impermissible secondary employment, etc. can be found in the document entitled "Secondary employment for employees at Umeå University – information in accordance with Chapter 4, Section 14 of the Higher Education Ordinance."

2. What is secondary employment?

In principle, any other occupation or activity – temporary or permanent – carried out by an employee in addition to his or her position at the University, and that is not attributable to private life, is a secondary employment. However, only certain secondary employment should be reported.

3. What secondary employment should be reported?

Teachers and those covered by the Managerial Agreement must report secondary employment that is *either*

- related to the subject area of the position

or involving engagement in:

- close companies where the teacher is a partner
- other limited company or legal entity in the form of board membership or other senior management

- other type of business or company that is wholly or partially run by the teacher himself or an relative.

These company commitments must be reported as secondary employment even if the company is dormant and not active.

The report must show the secondary employment that the employee has at the reporting date, and the secondary employment he or she may be planning to undertake in the coming year.

Adjunct teachers do not need to report the position that his or her temporary appointment is based on. Adjunct teachers therefore do not report their position at the employer that Umeå University has agreements with about the temporary appointment.

4. Who should submit the reporting of secondary employment?

At Umeå University, teachers and employees covered by the Managerial Agreement must voluntarily disclose their secondary employment. The way in which the report is composed and submitted is different for the two groups.

4.1 Teacher accountability

The concept of teacher refers to:

- Professors, adjunct professors and visiting professors
- Senior lecturers, adjunct senior lecturers and visiting lecturers
- Associate senior lecturers
- Research associate
- Lecturers and adjunct lecturers
- Researchers
- Employed postdocs. Only postdocs with positions at the university are to report secondary employment.

Professors who held any of the positions covered by the Managerial Agreement, must disclose their secondary employment instead under the rules of that position.

4.2 Employees covered by the Managerial Agreement

The positions covered by the Managerial Agreement are:

- Pro-Vice-Chancellor
- Deputy Vice-Chancellor
- Deans
- Rector Umeå School of Education
- Library Director
- University Director
- Head of University Administration
- Personnel Director
- Audit Director

Professors that do not hold any of these positions are not covered by the Managerial Agreement. He or she should instead disclose their secondary employment under the rules for teachers.

5. Allocation of responsibilities and timeframes

5.1 Teachers

All teachers at Umeå University must report their current secondary employment to their head of department once a year, by **March 31**. If conditions change these must be reported throughout the year in conjunction with the change. Even teachers who are fully or partially on leave must report any secondary employment.

Teachers who do not have any secondary employment must report this.

Teachers placed at the Centre for Teaching and Learning , UPL, report their current secondary employment to the Library Director.

Secondary employment is reported using the *Secondary employment for teachers* form available on the intranet. The form is submitted to the department head by **31 March** at the latest each year. Each secondary employment is to be reported on a separate form.

5.2 Employees covered by the Managerial Agreement

All employees covered by the Managerial Agreement must report the current secondary employment to the Vice-Chancellor once a year, no later than the **March 31**. If conditions change these must be reported throughout the year in conjunction with the change.

Employees who do not have any secondary employment must also report this.

Secondary employment is reported using the *Secondary Employment Managerial Agreement* form available on the intranet. The form is submitted to the Vice-Chancellor no later than **March 31** of each year. Each secondary employment is to be reported on a separate form.

5.3 The head of department or equivalent

The Head of Department or equivalent must report their current secondary employment to the Dean by **March 31** at the latest each year.

The Head of Department or equivalent is also responsible for collecting the report of secondary employments from all teachers at their department. The Head of Department has responsibility for stating if any of the reports need to be reviewed in more detail, see p 6. Review of secondary employment.

The Head of Department or equivalent must then submit

- report of own secondary employment
- reports from all teachers at the Department
- a compilation of reports from all teachers, with remarks if any merit closer examination
- information on the teachers who have not submitted reports and why they have not done so

The compilation of all the Department's statements is made in the *Compilation of secondary employment - Department* form which is available on the intranet.

The Head of Department submits all of these documents to the Director of Dean´s office no later than **April 30** at the latest each year.

5.5 Dean and Library Director

Along with their permanent secretaries, Deans are responsible for examining whether a secondary employment, or someone's combined secondary employments may be considered damaging to public confidence, a work hindrance or are of a competing nature. The review must be made in particular of the secondary employments that have been remarked upon by the Head of Department in the summary.

The Dean must also prepare a statement of the results of his review. The statement must describe if there has been any objections to the reported secondary employments or not.

Together with his administrative head, the Library Director has the corresponding responsibilities as the Dean as regards the reports submitted by teachers placed at the Centre for Teaching and Learning.

5.6 The Director of Dean's Office

The Director of Dean's Office is responsible for the compilation of the Department's reports. The compilation of the Department's reports are made using the *Compilation of secondary employment - faculty* form available on the intranet. The reports submitted by the teachers employed at the Centre for Teaching and Learning, UPL, the university library's administrative manager has the same responsibilities as the Director of Dean's Office.

The Director of Dean's Office then submits:

- all teachers' reports, sorted by Department name in alphabetical order
- evidence supporting the faculty's compilation, i.e. the *Compilation of secondary employment - department* form from all departments
- the faculty's compilation of the department's reports, that is the *Compilation of secondary employment - faculty form*
- the Dean's or Library Director's statement of the results of the review

These documents must be submitted as original copies to the Registry and Archive by **May 31** each year **at the latest**.

The department's *Compilation of secondary employment - department* and the teachers' reports must be submitted and sorted in an archive box. *Compilation of secondary employment - department* is then placed in front of the teachers' reports sorted by the department names in alphabetical order.

The faculties' compilation and statement is submitted by the Dean as an original copy to the Registry and Archive.

5.7 Vice-Chancellor

The Vice-Chancellor is responsible for reviewing and considering reports from the employees covered by the Managerial Agreement. The compilation of these reports is made using the *Compilation of secondary employment - Managerial Agreement* form available on the intranet.

The Vice-Chancellor must also prepare a statement of the results of his review. The statement must describe if there has been any objections to the reported secondary employments or not.

The Vice-Chancellor's statement, compilation and reports are submitted as originals to the Registry and Archive. The Vice-Chancellor voluntarily reports his secondary employment to the government annually.

5.8 Archivist

The Archivist is responsible for the university's senior legal advisor providing a copy of

- evidence supporting the faculty's compilation, i.e. the *Compilation of secondary employment - department* form from all departments
- the faculty's compilation of the department's reports, that is the *Compilation of secondary employment - faculty form*
- statements of the results of the Dean's review, and the Vice-Chancellor's statement

The compilations and statements given in respect of teachers employed at the Centre for Teaching and Learning, UPL, are handled in the same manner as those submitted from the faculties.

The documents must be submitted to the university's senior legal advisor as soon as they have been received by the Registry and Archive.

5.9 University's Senior Legal Advisor

The university's senior legal advisor, in consultation with the Personnel Director must review the secondary employment that the Dean and Vice-Chancellor have commented on.

The university's legal counsel must also prepare a statement on his review. The statement must describe whether further action is to be taken in response to the review.

6. Registration and archiving

Some documents concerning these secondary employments are registered while other documents are archived immediately as they must be easy to find and search through. As both senior legal advisor and the auditors regularly review the secondary employments, it is important that they are available in the management archive.

6.1 Registration of documents:

A reference number is posted annually with the text under the *Compilation of secondary employment at the faculties, the University Library and, according to the Managerial Agreement for the year 20xx*. The following is registered here:

- The Faculties' and University Library's compilation
- Statement of the results for the Dean's review
- Results of University's Senior Legal Advisor's review
- Compilation according to Managerial Agreement

6.2 Archiving and management:

The department's *Compilation of secondary employment - department* and the teacher's reports are to be submitted to the archivist as originals and sorted in the archive box. *Compilation of secondary employment - department* is then placed in front of the teachers' reports sorted by the department names in alphabetical order. This is filed in the university administration's archives.

The Dean's and Senior Legal Advisor's review statement is filed along with the above point.

The Vice-Chancellor's statement together with the managers' reports are added to an archive box and submitted to the archivist.

7. Review of secondary employment

Secondary employment is to be reviewed based on the rules described in the memorandum dated 17/12/2013, reg no. 390-3114-12.

The review of secondary employment will primarily focus on determining whether any of these secondary employments, or any secondary employments combined could be *undermine to public confidence* or be a *competing secondary employment*. The review must also identify whether any secondary employment could be *work hindering*.

If it is unclear if the secondary employment is permitted or not, the Head of Department, Library Director or Dean must consult with the University's Legal Counsel or Human Resources Manager.

8. Suspension of secondary employment

The Vice-Chancellor decides whether a teacher must cease or not undertake a secondary employment, and communicate the decision in writing to the teacher.

If a teacher has or is planning to undertake a secondary employment that *undermine confidence*, the University must notify the teacher that he or she should terminate or not to undertake the secondary employment. The decision must be in writing and must specify the reasons why the secondary employment is considered to be damaging to public confidence.

The decision must be taken as soon as possible, but some time should be given, for example, to include additional information from the teacher and for other considerations. If it concerns a secondary employment that the teacher already has, the decision could be made that the teacher have to cease the secondary employment within a period not exceeding three months.

If the university considers that a secondary employment that a teacher has is a *work hindrance* or is a *competing secondary employment*, the teacher must first receive advice about his secondary employment. If this does not help, the University may decide that the teacher fully or partly ceases the secondary employment.

The University's decision regarding secondary employment cannot be appealed but may be reviewed through dispute proceedings in compliance with trials in labour disputes.

If the teacher does not cease with an impermissible secondary employment after a decision has been taken, disciplinary measures will be necessary, and in serious cases, termination or dismissal.

9. Written notice

The employee may request a written notice on a secondary employment that according to the university's assessment is undermine public confidence or not. This decision is given by the University Director.

10. Applicable laws, regulations and agreements

Public Employment Act (1994:260)

Section 7

An employee may not hold any position or any office or engage in any activity that may undermine confidence in his or any other employee's impartiality in their work or that may damage the reputation of the Authority.

Section 7a

The employer must notify employees in an appropriate way about the types of relationships that can make a secondary employment impermissible according to Section 7.

Section 7 b

An employer must provide the information necessary for the employer to assess the employee's secondary employment.

Section 7 c

An employer may decide that an employee who has or intends to undertake a secondary employment that is inconsistent with Section 7, must terminate or not undertake the secondary employment. The decision must be in writing and contain a justification.

Higher Education Act (1992:1434)

Chapter 3, Section 7

A teacher at a higher education institution in addition to his position as a teacher may hold a position or undertake assignments or activities relating to research or development work within the subject area of the position, if a teacher does not thereby damage public confidence in the higher education institution. Secondary employment of this type must be clearly separate from the teacher's work in the context of the position.

In the case of secondary employment otherwise there are provisions in place in the Public Employment Act (1994:260).

Higher Education Ordinance (1993:100)

Chapter 4, Section 14

A higher education institution must inform its teachers in an appropriate way the secondary employment or types of secondary employment that do not comply with Chapter 3, Section 7 of the Higher Education Act. (1992:1434). A higher education institution must give its teachers advice when assessing whether a particular secondary employment is consistent with this provision. If a teacher requests so, the higher education institution must give written notice in such a matter.

Section 7a of the Act on Public Employment (1994:260) stipulates that a higher education institution must notify its employees in an appropriate way about the type of conditions that could cause a secondary employment to be impermissible according to Section 7 of the Act on Public Employment.

Chapter 4, Section 15

A teacher is required to keep the higher education institution informed about the secondary employment that he or she has, and that relates to the subject area of the position. The higher education institution must document the information. The documentation must be kept so well organised that it is possible to continuously monitor the secondary employment each teacher has.

Managerial Agreement 2010 with the decision dated 25/03/2011, reg no. 301-845-11 on the establishment of the local managerial circuit at Umeå University

Section 9, Paragraph 2, Secondary employment

Employees are required to notify the employer about and the extent to which he holds or intends to undertake secondary employment. The employer may determine that the employee must partially or totally cease the secondary employment or refrain from taking on a secondary employment that involves a hindrance to his or her work.

Terms of Agreement – Terms of Agreement-T

Secondary employment that hinders work

Chapter 13, Section 10, Paragraph 2

An employee is obliged, upon request, to notify the employer if and to what extent he has a secondary employment. The employer may only request information of this type if he believes that there are reasons for this with regard to the employee's way of performing his work tasks.

The employer may require the employee to fully or partly terminate the secondary employment if the employer believes that it has a hindering impact on the work (secondary employment that hinders work).

Competing secondary employment

Chapter 13, Section 11

Employees at authorities engaged in a business or other commissions may not have employment or commissions with a company in the area for this activity. The employee must not have an interest in, or own or through someone else run such a company, nor otherwise for the purpose of making money perform activities that relate to this area (competing secondary employment).

That stated in the first paragraph does not apply if the employer agrees otherwise. If such consent has been given, the employee is obliged, upon request, to inform the employer of the nature and extent of the competing secondary employment.

For detailed information about what is meant by secondary employment and on the rules regarding secondary employment that are applicable to Umeå University, please refer to the memorandum dated 17/12/2013, reg no. 390-3114-12.