

# UNIVERSITY POLICY FOR HUMAN RESOURCE

## Policy No. UPHR-12

### Employee Solicitation and Outside Businesses

#### 1 General Information.

- 1.1 Scope: This policy provides protections against employees being solicited for the sale of products and services in the workplace and sets limitations on the activities of employees who own/operate businesses outside their institutional employment.
- 1.2 Authority: West Virginia State Code §6B, the West Virginia Ethics Act
- 1.3 Passage Date: June 28, 2019
- 1.4 Effective Date: August 1, 2019
- 1.5 Controlling over: Marshall University
- 1.6 History: Amended to remove the CTC. This policy was originally published as a Human Resource Services policy and procedure, *Employee Solicitation for Outside Businesses*, on March 26, 2004 and approved by the BOG on 3/8/2006.

#### 2 Policy:

- 2.1 This policy covers the solicitation and/or sale of products and/or services originating in outside businesses owned or operated by Marshall University (hereinafter the University) or employees to other University or College employees, imposes terms and conditions for solicitation and/or sale of products and/or services by University or College employees to members of the public, and imposes terms and conditions for solicitation and/or sale of products and/or services to University or College employees by those outside the University or College. University or College employees may under certain circumstances own or operate a business outside of their regular University or College employment and/or may work for an outside business not owned or operated by them. Outside employment by a University or College employee requires approval of the respective president.
- 2.2 A University or College employee who sells products or services as outside employment may not use his/her University or College address, University or College e-mail address, and/or University or College telephone number in any letterhead, brochures, business cards, advertising, etc., representing their business or soliciting sales. No samples of merchandise, brochures, descriptive literature, catalogs, etc., related to a University or College employee's outside business may be displayed or left in view at his/her University or College workstation. Such University or College employees may not solicit for the sale of or sell products or services from outside businesses on University or College work time. University or College employees are not to be solicited by anyone (including individuals not employed by the University or College) for the sale of products and/or services during work time. Work time is defined as any time when the soliciting or solicited employee is supposed to be at work. The lunch period is not considered work time for purposes of this policy.
- 2.3 Willful violators of this policy who are employees are subject to disciplinary action. The institutions' public safety office will respond to willful violators of this policy who are not employees of the University or College. Questions or issues related to this policy may be forwarded to the institutions' chief human resources officer.
- 2.4 The chief human resources officer is responsible for developing, implementing, and administering sufficient procedure to effectuate the provisions of this policy.