

Frequently asked questions on hours spent on outside activities

What is the distinction between a conflict of interest and conflict of commitment?

A conflict of interest arises when an individual has interests (personal, financial, professional, or otherwise) that could potentially influence or appear to influence an individual's professional judgment or actions in situations where the individual is acting on behalf of UA.

A conflict of commitment occurs when outside activities, like a job, demand so much time, effort, or resources that they start to interfere with fulfilling primary professional obligations to UA.

What is the difference between a work supervisor and an ethics supervisor?

A work supervisor oversees and manages the practical aspects of an employee's job performance and daily tasks. The term ethics supervisor (also referred to as "designated supervisor" or "ethics designee") specifically oversees compliance with the Executive Branch Ethics Act (EBEA) and related Regents' Policies governing ethical conduct. While a work supervisor ensures UA employee tasks are completed efficiently and effectively, an ethics supervisor ensures those tasks are performed ethically and within legal and regulatory boundaries.

How does UA set the parameters for how much time is too much to spend on outside activities?

These are set in University Regulation R04.10.010.B.1.f, based in opinions from the Alaska Attorney General's office applying and interpreting the Executive Branch Ethics Act. When an employee only does up to ten hours of work outside of the employee's normal UA working hours, it is reasonable to conclude that the amount of time spent in outside employment or activities is not interfering with the employee's UA duties. But 30 hours per week of outside work, in addition to 37.5 hours as a state employee per week (i.e., 67.5 hours per week in combined UA and outside employment), may be deemed excessive. So, a UA employee with combined UA working hours and outside working hours that total up to 50 or less will ordinarily not have an outside activity disapproved on the basis of a conflict of commitment. A UA employee with combined UA working hours and outside activity hours that total up to a figure between 50 hours and 67.5 hours, and whose work supervisor supports the arrangement, will ordinarily not have an outside activity disapproved on the basis of a conflict of commitment, but if the work supervisor has concerns about possible adverse consequences, then there may have to be conditions or limitations placed to address those concerns before the disclosure can be approved. A UA employee with combined UA working hours and outside activity hours that total up to a figure exceeding 67.5 hours, even if the work supervisor approves, will have to show an exceptional set of circumstances before the disclosure can be approved.

If I am the work supervisor for an employee whose UA work hours and outside activity hours add up to less than 50 hours per week (for example, a full-time UA employee with an outside activity of ten hours or less), but I still feel that it creates a conflict of commitment, what should I do?

On the work supervisor portion of the disclosure form, you should select the pull-down option for "adverse effect possible" and explain your concerns in the field. The ethics supervisor will follow up with you and the employee to discuss those points. If your concerns pertain principally to a conflict of commitment, rather than a conflict of interest, you need to understand that fairness to the employee will play an important role, and your reasons why your employee should be held to a different standard than other UA employees will need to be compelling and cogent. If, for example, the employee is

already underperforming, then that might be a reason for you to have concerns about approving a new or continuing outside activity.

If I am an employee seeking approval for disclosure of an outside activity when my UA working hours plus my outside activity hours add up to more than 67.5 hours per week (for example, a full-time UA employee with outside activities requiring 27.5 hours or more), what should I do?

You need to be ready to present a compelling case why your outside activity hours cannot be brought into compliance with the 67.5-hour limit. This needs to focus on the unique facts of your situation, rather than generalities about why outside activities are worthwhile. Be aware that you are asking for a different standard to apply to you than to other UA employees, so fair treatment of all employees will be a factor. Specifically think about the following points:

- a. Make sure you are providing accurate figures for the *average* hours per week to be devoted to your outside activity, rather than the *maximum*. (As an example, if an outside activity requires 8 hours on a Saturday and 4 hours on a Sunday, with that pattern reversed the following weekend, for 4 hours on a Saturday and 8 hours on a Sunday, you should explain that detail; seeking authorization for the maximum of 8 hours each weekend day would over-report your outside activity time, while the average of 6 hours each weekend day would be more accurate, and depending on the other outside activity hours during the week, might bring you within the guideline.)
- b. Before requesting permission to exceed the 67.5-hour ceiling, you should make attempts to adjust your outside activity hours to bring your total hours into compliance with the 67.5-hour standard, and submit any documentation of your attempts and explain why this has not succeeded. Ordinarily, a request to exceed that amount will not be accepted unless you show why those efforts have not worked.
- c. You will need to provide a specific schedule of your regular UA work hours and your outside activity hours. (This is not required for disclosures that fall within the 67.5-hour-per-week guideline, but it is for requests to approve requests exceeding that guideline.) Your UA work schedule need not be a M-F 8-5 work schedule; irregular schedules can be permissible with your work supervisor's permission, as long as they comply with wage and hours laws. Consideration of the feasibility of that schedule is an essential component of considering a request to exceed the guidelines.
- d. You should be prepared to discuss whether you might be able to bring yourself into compliance with the guideline through use of personal leave, faculty time off, or leave without pay. Those categories of leave do not count as UA work time, so (even though you may be getting paid by UA for leave time), that leaves you more time available for your outside activity. For example, if you are full-time at UA (40 hours per week) and you also want to have a 30-hour-per-week outside job with an employer unwilling to reduce your outside activity hours, the total of 70 hours (40+30) is 2.5 hours over the 67.5-hour guideline; but with your supervisor's permission, you could use 2.5 hours each week in paid leave, or faculty time off, or leave without pay, so your resulting UA work time is 37.5 hours per week, for a combined total of 67.5 hours per week, just at the upper limit of the guideline. You will be expected to explore that possibility before your request just to exceed the guideline can be considered.

- e. You should also consider whether a temporary reduction of your UA working hours would be feasible, or even a permanent adjustment if you expect the over-hours outside activity to continue indefinitely. You should consult with HR about this to make sure you consider the effects on your UA salary, insurance benefits, pensions, and other related issues.
- f. You should also be prepared to discuss, with your work supervisor and your ethics supervisor, those studies indicating that (1) employee productivity tends to diminish with excessive work hours and (2) excessive work hours have been found to have a long-term causal connection with heart disease and stroke risk, and a correlation with other health risks. At the end of this Q&A are some websites that you might want to peruse to start your consideration of these topics.

The following websites may help with your consideration of the drawbacks of an excessive work schedule.

“WHO and ILO estimate that exposure to long working hours (≥ 55 hours/week) is a prevalent occupational risk factor, attributable for a large number of deaths and DALYs due to ischemic heart disease and stroke. In the global Comparative Risk Assessment, it is currently the occupational risk factor with the largest attributable disease burden. These first WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury provide the basis for actions to prevent exposure to hazardous long working hours and thereby reduce the attributable burden of ischemic heart disease and stroke, at the global, regional, and national levels, across the health and labour sectors.’

<https://www.sciencedirect.com/science/article/pii/S0160412021002208>

Research that attempts to quantify the relationship between hours worked and productivity found that employee output falls sharply after a 50-hour work-week, and falls off a cliff after 55 hours – so much so that someone who puts in 70 hours produces nothing more with those extra 15 hours, according to a study published last year [2014] by John Pencavel of Stanford University.

<https://www.cnn.com/2015/01/26/working-more-than-50-hours-makes-you-less-productive.html>

Epidemiological studies have shown the negative effects of long working hours on the risks of cardiovascular diseases; chronic fatigue, stress; depressive state, anxiety, sleep quality, all-cause mortality, alcohol use and smoking; and self-perceived health, mental health status, hypertension, and health behaviours. Similar results have been found for long working hours by other studies, for instance, myocardial infarction, poor physical health and injuries, alcohol consumption, smoking, physical inactivity, and depression.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC6617405/>

Overworking increases the risk of cardiovascular diseases and stroke, as well as affecting mental health. Physical and mental strain of the overworked people can start from acute physiological responses such as fatigue, stress, impaired sleep, and unhealthy lifestyle changes in response to the stress. In addition, overworking reduces work performance and results in productivity loss due to illness and occupational injuries.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC8315652/>

Long work hours may increase the risk of injuries and accidents and can contribute to poor health and worker fatigue. Studies show that long work hours can result in increased levels of stress, poor eating habits, lack of physical activity and illness.

<https://www.osha.gov/worker-fatigue>