Consulting and/or Operating a Private Business
A county agent’s guide to current policies and procedures
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A county agent can sometimes appear to be on the job 24/7. County agents often have questions when called upon to support the community in unique ways not associated with Extension, consult outside their assigned territory, or starting a private business. When county agents take on roles outside of their assigned extension duties it is very important their actions be transparent and do not represent a conflict of interest. There are several policies on this subject that intersect with the role of a county agent. This document seeks to highlight these different policies (in one place) and guide the county agent in their decision process and subsequent actions. This is not a policy document itself.

UGA policy does not prohibit employees from engaging in outside professional activities. In fact, UGA policy states:

“Professional employees are encouraged to participate in professional activity that does not interfere with the regular and punctual discharge of official duties provided the activity meets one of the following criteria:

1. It is a means of personal professional development;
2. It serves the community, state or nation; or,
3. It is consistent with the objectives of the institution.”

We will examine both consulting and private businesses separately.

CONSULTING

The CAES consulting policy states that:

“Consulting is defined as external (international and domestic) professional activities for pay, and includes any activity that 1) is performed on an individual contractual basis for any individuals(s), firm or agency other than The University of Georgia; 2) is based upon the professional knowledge, experience and abilities of the faculty or staff member; 3) is undertaken for personal compensation beyond the payment of a nominal honorarium and/or reimbursement for expenses; and 4) clearly enhances the professional development and expertise of the faculty member.”

Consulting is further restricted by a separate but applicable policy specific to Public Service faculty.

“Since the entire State of Georgia is the campus for Public Service and Outreach faculty, consulting activities must be restricted to out-of-state clients. Exceptions to this policy must be approved by the unit administrator (e.g. dean, director, or department head) and the vice president for public service and outreach. No exceptions will be granted where the potential exists for conflict of interest or the appearance of conflict of interest.”

While the CAES Consulting Policy makes no such distinction between in-state and out-of-state consulting, it is the general agreement within County Operations that the Public Service and Outreach Policy would take precedence over a CAES policy as county agents are 100% Public Service faculty.

All consulting activity must be approved by your supervisor. The permission form may be found at http://www.caes.uga.edu/intranet/policy/forms/consult.pdf
PRIVATE BUSINESS ACTIVITIES

The CAES policy makes a distinction between consulting and employees operating a private business. “Faculty may participate in certain business activities, provided they do not conflict with their college and University duties. Such activities must be of such a character as not to damage in any way the prestige or image of the college or University. Individuals assigned to the college must clearly identify any business relationship with the State of Georgia.”

It is the culture of County Operations that a county agent operating a business on his/her own time would not be violating any policy as long as 1) the employee is fully executing his/her defined duties as a county agent, and 2) operation of the business does not create a conflict of interest, nor damage the college or University in any way.

Each individual case is unique and it is unlikely a single set of criteria will define the two conditions above. The employee’s supervisor will have to judge if the business is interfering with the execution of the agent’s duties as an employee of CAES. The definition of conflict of interest as stated in the Public Service and Outreach Consulting Policy (also applicable to private business activity) is,

“Conflict of interest as used herein refers to situations in which the personal interest of a faculty member may prevent, or give the appearance of preventing, that faculty member from making unbiased decisions or from giving objective advice or opinions to University client groups or other citizens whom the faculty member is being paid to serve."

While some business activities would clearly be a conflict of interest, others may be judgment calls. An employee that provides advice or recommendations in the execution of their UGA duties which in turn benefits that employee’s personal business is clearly involved in a conflict of interest.

Some examples of a private business venture which may or may not be conflicts of interest include judging livestock shows, raising and selling show animals for 4-H and FFA livestock shows, farming and selling produce at a local farmers market, custom agricultural services such as harvesting, operation of businesses such as landscape services and pond management services, and others.

County agents, like most Cooperative Extension employees, do not follow strict M-F, 8-5 working hours. Agents live in the communities in which they work and are in a position to represent UGA in every facet of their lives, including evening and weekend activities. Therefore, the distinction between “on-the-clock” and “off-the-clock” is less distinct than with many UGA employees. Still, agents are held to a strict standard of utilizing annual and sick leave to define when they are “off-the-clock”.

In the case of an agent having private business activities, it will be critical to make the separation of time spent of private business and time spent of official assigned UGA duties. An agent that engages in private business activities for personal gain during office hours is subject to prosecution under state law. Therefore, it is imperative if an agent is being personally compensated for private business activities the agent be able to demonstrate those activities were outside his or her 40 hour per week UGA job commitment. Additionally, it will be imperative the agent be able to demonstrate that no UGA resources are used in the operation of the private business. This would include the services of office staff, the use of UGA facilities, or the use of UGA equipment such as computers, printers, copiers, etc. If such resources are used, there must be prior approval of a method to reimburse UGA for those resources.

Most county agents are jointly funded by UGA and the counties in which they work. Therefore, private business activities must also be accomplished without the use of county resources. Many agents have access to county vehicles
and the use of those vehicles in the operation of a private business would make the agent vulnerable to prosecution. Cooperative Extension employees with partial county funding should not utilize county resources for private business.

Therefore, an agent that has the opportunity to be compensated by an outside party for non-consulting activities is presented with two options:

Option 1: The activity is unrelated to UGA business. Money received will be for personal compensation. There should be a clear distinction of personal time from UGA time. There should be NO use of state or county resources without a prior approved reimbursement plan. There can be NO conflict of interest with UGA duties (cannot use UGA job to promote or enhance personal business in any way).

Option 2: The activity is related to UGA business. Money received will be deposited in officially sanctioned UGA account and used to support UGA Extension activities. With a supervisor’s approval, these activities MAY be done during business hours and MAY be done using state or county resources. There can be NO conflict of interest (activity must be for public good, cannot provide a service that benefits a single group or company for compensation).

For purposes of additional clarification a few examples relevant to county operations are highlighted below:

Landscape, pest control, pond management businesses – Probably cannot be done without a conflict of interest. UGA duties may provide competitive advantage over other similar businesses or at least perception of competitive advantage.

Selling show animals – In rural counties where there are no alternative sources for these animals, some of our agents provide a valuable service to local children wanting to compete in livestock shows. Compensation generally covers costs and this is generally not a lucrative private business opportunity. However, a problem may emerge when an agent competes with other providers and may undercut their prices. No state/time or resources should be utilized.

Judging Livestock Shows – Options 1 and 2 apply. Some judging activities outside the county may be part of an agent’s normal job assignment, i.e. DPA events. Additional judging activities could be done for personal compensation assuming they are outside the agent’s assigned county or counties, none of agent’s 4-H participants are involved (potential conflict of interest) and no UGA or county resources are utilized.

Farming – Traditional farming activities are probably not a conflict of interest. However, this scenario becomes unfavorable when an agent is selling agricultural products at a local farmer’s market and dominates that market, particularly a market in which the agent has some operating or support role.

Custom farming operations – Must be done without being a conflict of interest. Follow the above guidelines.

Compensation for membership on Farm Bureau commodity committees – In most of these cases, the agent is asked to serve because of their position with UGA. Any compensation should be deposited in account to support their program.

Catering – Because of an agent’s role in hosting grower meetings, many agents become very proficient at cooking for large groups. There should be no personal compensation for catering that serves UGA activities. Catering businesses that support non-UGA activities could theoretically be operated without a conflict of interest, but there should be a clear separation for state/county time and resources.

Horseback riding lessons – Options 1 and 2 apply. Must be done as a service that is clearly above and beyond anything offered as a UGA activity.
**Anything under the name of 4-H** – No personal gain, period.

**Serve Safe programs on weekends** – Still, part of your job. No personal gain.

It is a UGA policy that all private business ventures of UGA faculty be reported for review. It is strongly encouraged that county agents report such activity to their supervisor to ensure their own legal protection and to confirm compliance with UGA, PSO or CAES policies.

As stated, this document is a reference for understanding current policies. This is not a policy statement itself. Thanks to the 2013 Ad Hoc Committee on Consulting in County Operations for their review of policies and confirmation of the practices and examples stated in this document.

The policies referenced in this document may be found at:

- CAES Policy – [http://www.caes.uga.edu/intranet/policy/section1/01-06.html](http://www.caes.uga.edu/intranet/policy/section1/01-06.html)

*Edited by Greg Price, Director of County Operations, January 30, 2014*