

I Suspect My Employee is Moonlighting Now What?



Question: One of my employees is no longer ever available for additional working hours and seems to be very tired all of the time. I believe he is working a second shift job that he has not told me about. What are my options for asking him about this and making sure my job is his priority?

Clarify The Problem With Your Employee

In many cases your employees have a right to pursue a second income, even while working for you full-time, and there is not much you can do about it. If your employee is able to perform up to expectation and their second job is not posing any problems it is not your concern. However, if you suspect that an employee's involvement in a second job is causing a problem at work you may need to take steps to address the situation based on the actual problems you identify.

Consider these step when determining both if there is a real problem and what you can do to address the problem.

Steps For Managing A Moonlighting Employee

Step 1) Clarify your position on employees who moonlight: Before approaching an employee review your policy on employee second jobs. If you do not have a policy consider whether it is appropriate to create one. Even if you do not have a policy or want to create one first consider your philosophy and position carefully and clarify for yourself before proceeding. Consider how this position will apply to all employees not only this specific person.

There are some protections you can put in place within your policies that can limit an employees ability to work a second job and or limit what that job is including limiting their ability to work for a competitor, solicit clients or customers and requiring them to focus their time and efforts on your work tasks when working on your work tasks.

Step 2) Determine if employee performance is really an issue: Step back and assess if the employee is performing his core duties adequately and if he meeting the expectations of his contract. It may be that you are comparing his current performance with his past performance, which was above and beyond his core expectation. If his performance is still within acceptable boundaries then it may be

that you have to change your expectations. This does not mean you cannot still have a conversation with your employee (see point 3) about his position in your organization but be prepared to approach that conversation from a realistic and informed perspective.

Step 3) Determine what is going on with the employee. An employee may be tired and unavailable for additional working hours for many reasons including family, health and lifestyle changes and preferences. It may also be that the work expectations you had for this employee were not well balanced and he is pulling back in his availability to compensate for unrealistic work expectations that had been earlier established. Have a conversation with your employee and share your observations without judgement and ask if there is a reason the employee is no longer as available or appears tired. Understand that your employee may not want to share personal details so you may not get a response. However, taking the time to talk to your employee and share your concerns is in and of itself an important component of employee management.

If the employee does choose to disclose a second job and performance is an issue you need to address the issue of performance in and of itself without focussing on the second job.

Step 4) Propose to modify or change the situation: If you have determined that performance is an issue then propose to work with the employee to make changes to the situation as you would for any work performance issue. If the employee's contract indicates he is expected to be available weekends or evenings how you would manage this in any situation. If the contract or job description does not address overtime and flex time consider why you need this and if you and he need to modify the working agreement. Be cautious about making any changes that could be considered constructive dismissal. If work performance is a concern, perhaps the employee is not completing work tasks, not showing up on time, taking too many absences consider how you would address these for any employee working in the same role.

It is always best to try and have an upfront and open conversation with your employee about performance issues in the workplace. Understand, identify and focus on the real problem at hand. When possible try to work with the employee to accommodate his needs for a second income in a way that enables your work to also be done well and on time.