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			SUPERSEDES:	3040.5C November 5, 2009		
			OPI:	HUMAN RESOURCE		
			REVIEW DATE:	October 23, 2014		
			Approving Authority	Thomas Faust Director		
	SUBJECT:	OUTSIDE EMPLOYMENT AND OTHER ACTIVITY				
	NUMBER:	3040.5D				
	Attachments:	Attachments A – Certification of Outside Employment and Private Business Interests				

SUMMARY OF CHANGES:

Section	Change
Page 3, § 9	Section #9 <i>“Procedure”</i> was changed to <i>“General Requirement”</i>

APPROVED:



Thomas Faust, Director

10/23/13

Date Signed

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1. **PURPOSE AND SCOPE.** To establish guidance for Department of Corrections position employees who are or who may be involved in outside employment or other outside activity, which would constitute a conflict of interest.
2. **POLICY.** Employees of the Department of Corrections may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of their duties and responsibilities as District government employees. Evaluation of such outside employment or activity must be made by the Director or his designee, or by the D.C. Office of Inspector General, or by the Director of the D.C. Department of Human Resources.
3. **APPLICABILITY.** This policy is applicable to DOC employees.
4. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subjected to disciplinary action.
5. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**
 - 1) PS 3040.5C Outside Employment and Other Activity (11/05/09)
 - b. **Directives Referenced.** None
6. **AUTHORITY**
 - a. DC Code § 24-211.02, Powers; promulgation of rules.
 - b. D.C. Government Comprehensive Merit Personnel Act, D.C. Law 2-139, dated March 3, 1979

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- c. DPM, Chapter 18, Employee Conduct
- d. D.C. Code § 1-116.23. Conflicts of Interest
- e. D.C. Code Title 1, Chapter 6, Merit Personnel System
- f. DPM, Chapter 11, Classification and Compensation, Rule 1147, Dual Pay and Dual Employment
- g. Mayors Memorandum 2003-06, Policies on Outside Employment and Dual Compensation dated August 22, 2003.

7. STANDARDS REFERENCED. None

8. DEFINITIONS. For the purpose of this Policy the following definition apply:

- a. *Outside Employment.* Any private, state or local or federal employment which is in addition to any Department of Corrections employment.
- b. *Outside Activity.* Teaching, lecturing, or writing which is dependent upon information obtained as a result of government employment; financial interest unduly influencing the conduct of official duties as an agent of the D.C Government; writing and editing for publication during work hours; speaking engagements without prior approval.

9. GENERAL REQUIREMENTS

- a. An employee may not engage in any outside employment or other activity which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include, but are not limited to, the following:
 - 1) Engaging in any outside employment, private business activity, or other interest which may interfere with the employee's ability to perform his or her job, or which may impair the efficient operation of the District of Columbia government;

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- 2) Using government time or resources for other than official business, or government approved or sponsored activities, except that a District employee may spend a reasonable amount of government time and resources on such projects, reports, and studies as may be considered in aid of other government jurisdictions (local, state, or federal), provided the work so performed is within the scope of the individual's regular assignments as a District employee;
 - 3) Ordering, directing, or requesting subordinate officers or employees to perform during regular working hours any personal services not related to official DC government functions and activities;
 - 4) Maintaining financial or economic interest in or serving (with or without compensation) as an officer or director of an outside entity if there is any likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee;
 - 5) Engaging in any outside employment, private business activity, or interest which permits an employee, or others, to capitalize on his or her official title or position;
 - 6) Divulging any official government information to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of or permitting others to make use of information not available to the general public;
 - 7) Engaging in any outside employment, private business activity, or other interest which might impair an employee's mental or physical capacity to such an extent that he or she can no longer carry out his or her duties and responsibilities as a government employee in a proper and efficient manner;
 - 8) Serving in a representative capacity or as an agent or attorney for any outside entity involving any matter before the District of Columbia; or
 - 9) Engaging in any outside employment, private business activity, or other interest which is in violation of federal or District law.
- b. An employee of the District of Columbia government may not do indirectly what he or she may not do directly.

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- c. An employee may engage in teaching activities, writing for publication, consultative activities, and speaking engagements that are not prohibited by law, regulation, or agency standards, only if such activities are conducted outside of regular working hours, or while the employee is on annual leave or leave without pay.
 - 1) The information used by an employee engaging in an activity under c. shall not draw on official data or ideas which have not become part of the body of public information, except nonpublic information that has been made available on request for use in such capacity, or unless the agency head gives written authorization for use on the basis that its use is in the public interest.
 - 2) If the employee receives compensation or anything of monetary value for engaging in an activity under c., the subject matter shall not be devoted substantially to the responsibilities, programs, or operations of his or her agency, to his or her official duties or responsibilities, or to information obtained from his or her government employment.
- d. An employee who is employed for not more than one hundred thirty (130) days during any period of three hundred sixty-five (365) consecutive days, to perform temporary duties, either on a full-time or intermittent basis, shall be subject to ¶ 9(a)(8) only in relation to a particular matter involving specific parties in which he or she has at any time participated personally and substantially as a District government employee, or which is pending before the agency by which he or she is employed or in which he or she is serving.
- e. Nothing in this section shall prevent an employee, if not inconsistent with his or her duties, from acting without compensation as agent or attorney for any person who is the subject of any personnel administrative proceeding.
- f. Nothing in this section shall prevent an employee from acting, with or without compensation, as agent or attorney for his or her parent(s), spouse, child, or any person for whom, or for any estate for which, he or she is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he or she has participated personally and substantially as a government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of the employee's official responsibility, provided that the government official responsible for appointment to the employee's position approves.

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- g. Employment with a Private Detective Agency or similar Non-Governmental Activity. Employees of the Department are prohibited from serving as an employee of a private detective agency or similar non-governmental activity as defined above or by the District Personnel manual Chapter 18.

10. **PROCEDURE AT INITIAL EMPLOYMENT**

At the time of initial orientation, each new employee shall be informed of this Policy and Procedure and will be briefed on filing procedures necessary to secure approval for outside employment or activity. If the new employee is engaged in some outside activity or employment, at the time of hiring, he/she must file D.C. Form 35A, "Certification of Outside Employment", with the Office of Human Resources Management. Approval or disapproval of this request will rest with the Director

Attachment

Attachment 1 – Certification of Outside Employment and Private Business Interests