

	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		EFFECTIVE DATE:	August 18, 2023	Page 1 of 6
			SUPERSEDES:	3040.5E April 21, 2017	
			OPI:	OFFICE OF GENERAL COUNSEL	
			REVIEW DATE:	August 18, 2024	
			Approving Authority	Thomas Faust Director	
SUBJECT:		OUTSIDE EMPLOYMENT AND OTHER ACTIVITY			
NUMBER:		3040.5F			
Attachments:		Attachment A – Certification of Outside Employment and Private Business Interests			

SUMMARY OF CHANGES:

Section	Changes
§4.	<i>The Notice of Non-Discrimination section was revised to reflect new implementations of various D.C. Codes to broaden the protections offered in the Human Rights Act of 1977. These changes aim to strengthen workplace protections, foster diversity, equity and inclusion, and promote fair employment practices.</i>
	<i>Minor changes made throughout policy.</i>

Signature on file

APPROVED:



Thomas Faust, Director

8/18/2023

Date Signed

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1. **PURPOSE AND SCOPE.** To establish guidance for Department of Corrections (DOC) 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 D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (hereinafter, "the Act") the District of Columbia does not discriminate on the basis of race, 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 sexual discrimination that is also 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 subject to disciplinary action.
5. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**
 - 1) PP 3040.5E Outside Employment and Other Activity (4/21/17)
 - 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, D.C. Code §§ 1-604.01 et seq.

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- c. DPM, Chapter 18, Employee Conduct
- d. D.C. Code § 1-1162.23. Conflicts of Interest
- e. D.C. Code Title 1, Chapter 6, Merit Personnel System
- f. DPM, Chapter 11B, Compensation, Rule 1147, Dual Pay and Dual Employment
- g. Mayors Memorandum 2003-06, Policies on Outside Employment and Dual Compensation dated August 22, 2003.
- h. Board of Ethics and Government Accountability (BEGA) Ethics Manual

7. STANDARDS REFERENCED. None.

8. DEFINITIONS. For purposes of this Policy the following definitions 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. A District employee is allowed to have an outside job however, an employee may not receive pay from two (2) or more Federal or District government positions covered by the Civil Service Retirement System for more than 40 hours in any work week. (If the District pays an employee for 40 hours in a week, then the employee may not also accept compensation from the Federal government on an hourly basis for that week).
- b. An employee may not receive a share of the money from a lawsuit against the District, and may not receive money for representing a person or entity if the District has a substantial interest in the matter or is a party to a lawsuit. An employee may not engage in any outside employment or other activity which

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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;
- 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 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;

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- 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.
- c. An employee of the District of Columbia government may not indirectly do, what he or she may not do directly.
- d. 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.
- e. The information used by an employee engaging in an activity under subsection (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.
- f. If the employee receives compensation or anything of monetary value for engaging in an activity under subsection (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.
- g. 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.
- h. 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.

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- i. 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.
- j. 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 A – Certification of Outside Employment and Private Business Interests



DOC Form # 35A

D.C. Department of Corrections
Request for Approval of Outside Employment or Other Activity

In accordance with Program Statement 3040.5, Outside Employment and Other Activity, employees of the D.C. Department of Corrections (DOC) proposing to engage in outside employment or other activities must submit the following information in advance to the DOC Office of Human Resource Management. All requests are subject to review and approval by the Director.

Date _____

Name (*Last, First, Middle Initial*)

Position Title, Department/Unit and Grade

PROSPECTIVE EMPLOYMENT OR ACTIVITY

Name and Address of Employer/Organization or Activity

Description of Employment/Activity (*Identify duties/services performed*)

Will you have any contact with the prospective employer or activity in your official capacity in DOC? (*If yes, explain*)

YES ☐ NO ☐

Will this employment/activity interfere with your official duties? (*If yes, explain*)

YES ☐ NO ☐

Employee Certification

The information is complete and accurate to the best of my knowledge. I certify that the outside employment/activity reported does not constitute a conflict of interest and will not interfere with my official duties at the D.C. Department of Corrections.

Employee's Signature/ Date

_____/_____

Director's Action

___ Approved

___ Disapproved

Signature of Director

Date