

CIVILIAN OFF-DUTY EMPLOYMENT REQUESTS

1. AFMCI 51-201 requires that all AFMC civilian employees obtain prior approval for any off-duty employment from their supervisors. Such approval must be obtained at least two weeks before the off-duty employment begins unless circumstances prevent such notice. The phrase "off-duty employment" includes more than mere employment for wages or salary. It means any outside business activity, including self-employment or sales solicitations, for which the employee is compensated.

2. Employees are required to obtain approval for their off-duty employment within the time limits set forth above, by submitting an AF Form 3902. The employee must complete Section I of this document and present it to his or her immediate supervisor. The immediate supervisor completes Section II and forwards it to the next individual in the chain of command who is either a commissioned military officer or civilian supervisor at the GS-12 grade or above (or WS equivalent). That person completes Section IV of the form by approving or disapproving the request. Only in limited circumstances (i.e., the employee is already required to file an SF-278, SF-450 or OGE Form 450) is the AF Form 3902 to be sent to JA for completion of Section III of the form. If the employee is in the AFGE bargaining unit, management must complete this form (by approving or disapproving the request) within 2 workdays of receipt from the employee. At that time, the completed 3902 will be returned to the employee and a copy should be maintained in the employee's 971 file.

3. There are only three reasons for denying an employee's request for off-duty employment. These are:

- a. The proposed employment is prohibited by statute or regulation; or
- b. The proposed employment would detract from readiness; or
- c. The proposed employment would pose a security risk.

The first of these categories involves situations where it would be contrary to a specific law or regulation for the employee to accept the employment. For example, a Contracting Officer or Quality Assurance Evaluator accepting part-time employment from a contractor with whom he or she deals as part of their Air Force employment. The law itself (18 U.S.C. Section 208) makes such activity illegal. Other statutes (18 U.S.C. 203-205) prohibit military officers and Federal civilian employees from representing non-Federal organizations before any Federal agency. Simply put, our personnel cannot represent outside interests in their dealings with the Federal government. Examples of prohibited representations include:

1. Arguing or speaking to (in the sense of urging, advocating or intending to influence) a Federal employee for or against the taking of an action by the Federal agency (this applies whether at a meeting, in a phone conversation, in a personal conversation or by e-mail);
2. Signing reports, letters, memoranda, applications, bids, proposals or other materials that are intended for submission to a Federal agency; and
3. Signing agreements with a Federal agency.

The second category bars employment that would detract from operational readiness. This means off-duty employment of such a nature that it would hinder or prevent the employee from performing work for the Air Force when needed, or in a competent and professional manner. For instance, an employee's job might require a great deal of attentiveness to detail in the manufacturing or repair of parts with extremely close tolerances. For this same employee to drive a truck for the eight hours immediately before his Air Force job begins would obviously compromise his ability to do such exacting work. Another example would be an Air Force employee who is subject to being telephonically recalled to duty at any time. If that employee accepts a job where he or she cannot be easily reached, then his or her ability to respond when needed may be severely jeopardized.

Employees should not have their requests for off-duty employment denied simply because they are subject to being drafted for overtime and TDY assignments or to work second or third shifts. However, neither does approval of off-duty employment relieve them of such responsibilities. Employees must understand that their Air Force job responsibilities come first. If they are drafted for overtime, TDY or a shift change, they will be expected to adjust their off-duty employment to meet such contingencies. For such employees the following caveat should be written in the remarks block (#36): Approval of this request is not intended to relieve the employee of any future overtime, TDY or shift assignments that may conflict with the off-duty employment described above. If such conflicts occur, the employee is expected to give priority to his Air Force job requirements. The purpose of such language is to avoid those situations where an employee attempts to avoid mandatory overtime, TDY or shift change by claiming that the approval of his off-duty employment request by his supervisors relieved him of such job requirements.

The last criteria under which an off-duty employment request may be denied is if the acceptance of the position would constitute a security risk. For example, an employee who works on highly classified equipment could not accept a job with a foreign company involved in the manufacture or sale of defense equipment similar to that worked on by the employee.

4. A great majority of off-duty employment requests will be approved. Only in the event one of the above described categories clearly precludes acceptance of the proposed employment should a request be denied. Except in situations involving employees who file public or private financial disclosure forms, supervisors and management officials are not required to coordinate their actions with this office. However, to ensure consistent application of the above criteria base-wide, it is recommended that such coordination be obtained in cases where a request will be denied.

5. The requirement that employees obtain approval for off-duty employment is mandatory. All employees of AFMC subcomponents must comply with the rules set forth in AFMCI 51-201. By separate letter, each employee is being so advised.

6. For further information on the above, please the Civil Law Division at (478) 926-9276 or DSN 468-9276.