

**1 FEBRUARY 2001**



*Law*

**OFF-DUTY EMPLOYMENT**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

---

**NOTICE:** This publication is available digitally on the SAF/AAD WWW site at: <http://afpubs.hq.af.mil>.

---

OPR: JAQ (Lt Col Mark R. Land)

Certified by: JA (Lt Col Mark R. Land)

Pages: 3

Distribution: F

---

This instruction implements [DoD 5500.7-R](#), *Joint Ethics Regulation (JER)*. It establishes internal agency requirements and procedures for processing requests for approval of off-duty employment required by sections 2-206a and 3-306a of DoD 5500.7-R, *JER*, authorized by DoD Directive 5500.7, *Standards of Conduct*. This instruction also implements the directive that agency designees, commanders, heads of organizations, and supervisors exercise the authority expressly granted by sections 2-303 and 3-306e of DoD 5500.7-R to require DoD employees under their jurisdiction to report any off-duty employment prior to engaging in such employment, and to prohibit off-duty employment that is prohibited by statute or regulation, will detract from readiness or pose a security risk. All military and civilian personnel assigned to Air Force Space Command (AFSPC) who seek to engage in off-duty employment are required to submit an [AF Form 3902, Application and Approval for Off-Duty Employment](#). This is a punitive instruction; military and civilian personnel who fail to comply with paragraphs **1.3.**, **1.4.**, and **1.5.** of this instruction subject themselves to disciplinary action. This instruction applies to Air National Guard and US Air Force Reserve members when in active duty or full-time National Guard duty (AGR) under Title 32 U.S.C. Section 502(f).

**1. Off-Duty Employment:**

1.1. AFSPC personnel, both military and civilian, must not engage in off-duty employment that:

1.1.1. Is prohibited by statute or regulation;

1.1.2. Would detract from readiness; or

1.1.3. Would pose a security risk.

**1.2. Explanation of Terms:**

1.2.1. Off-Duty Employment. business activities and compensated outside employment, including self-employment. Examples of self-employment include the sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services.

1.2.2. Readiness: Includes the ability of the Air Force to perform its mission in the manner and at the time and place required, and the ability of a military member or civilian employee to perform his or her government duties in the manner and at the time and place required free of any improper conflicts of interest.

1.3. All civilian and military personnel who intend to seek off-duty employment, including employment while on terminal leave, shall submit an [AF Form 3902](#) to their first-level supervisor at least 2 weeks before beginning employment (except in cases where 2 weeks notice is not possible). Final approval must be obtained prior to starting off-duty employment. Medical service personnel must comply with the requirements regarding off-duty employment in [AFI 44-102](#), *Community Health Management*, in addition to the requirements of this instruction. Judge Advocate personnel must comply with the requirements regarding off-duty employment in Judge Advocate General of the Air Force Policy Letter Number 14.

1.4. Personnel who have not obtained prior approval and who are, on the effective date of this instruction, already engaged in off-duty employment, shall have 90 days from that date to obtain such approval. If they do not seek approval or are disapproved, they must terminate their employment.

1.5. A new [AF Form 3902](#) must be submitted whenever the type of employment or the employer changes, the individual's Air Force duties change significantly, or the number of regularly scheduled off-duty hours increases. Occasional increases in hours due to situations such as the availability of overtime work, or the need to fill in for an absent coworker, do not require resubmission of the AF Form 3902. Previously denied requests may be resubmitted after a change in the individual's Air Force duties.

1.6. Military personnel who fail to comply with paragraphs 1.3., 1.4., 1.5. of this instruction violate a lawful general order that may result in appropriate disciplinary action or criminal liability under Article 92 of the Uniform Code of Military Justice. Air Force civilian employees who violate this instruction by failing to comply with its filing requirements are subject to appropriate disciplinary action IAW AFI 36-704, *Discipline and Adverse Actions*.

## 2. Procedures for Completing AF Form 3902:

2.1. The member/employee completes Section I.

2.2. The member's/employee's immediate supervisor completes Section II.

2.3. In cases where the member/employee is required to file a SF 278, **Public Financial Disclosure Report**, or an OGE Form 450, **Confidential Financial Disclosure Report**, or where the off-duty employment will be with a "prohibited source" as defined in the JER, [DoD 5500.7-R](#), (which includes any person or company that does business or seeks to do business with the DoD, regardless of the dollar amount of the contract or purchase), the Wing or Organization JA shall complete Section III. In other cases, JA review is not required unless requested by the employee's immediate supervisor or by the person completing Section IV of the [AF Form 3902](#).

2.4. Section IV is completed by the unit commander or the first person in the member's/employee's chain of command or supervision who is a commissioned military officer or a civilian GS-12/WS-14 or above, and who supervises the member's/employee's immediate supervisor. However, if the employee's immediate supervisor is a General Officer, SES member, SES-equivalent employee (e.g. ST, SL), or Wing Commander (or equivalent), then the immediate supervisor also completes Section IV. The individuals specified in this paragraph (other than Unit Commanders) are considered to be

Delegates of Unit Commanders, for purposes of completing Section IV of the [AF Form 3902](#) and are authorized to complete Section IV of the AF Form 3902.

**2.5. Filing AF Form 3902 .** After a request is approved or disapproved, the original request will be maintained in the individual's personal information file or civilian employee work file and maintained in accordance with [AFMAN 37-139](#), *Records Disposition Schedule*, Table 36-1, Rules 6 & 7.

JARISSE J. SANBORN, Col, USAF  
Staff Judge Advocate