



**MARK S. INCH
SECRETARY**

PROCEDURE NUMBER: 208.013

PROCEDURE TITLE: OUTSIDE EMPLOYMENT

RESPONSIBLE AUTHORITY: OFFICE OF HUMAN RESOURCES

EFFECTIVE DATE: AUGUST 12, 2020

INITIAL ISSUE DATE: DECEMBER 8, 2000

SUPERSEDES: NONE

RELEVANT DC FORMS: DC2-831

ACA/CAC STANDARDS: NONE

STATE/FEDERAL STATUTES: SECTIONS 112.313, 112.3185, AND 944.38, F.S.

FLORIDA ADMINISTRATIVE CODE: RULE 60L-32.003 AND CHAPTER 33-208, F.A.C.

PURPOSE: To establish guidelines for secondary employment outside state government.

DEFINITIONS:

- (1) **Approving Authority**, where used herein, refers to:
 - (a) for a regional office, the appropriate Assistant Secretary;
 - (b) for an institution or a probation and parole field office, the Regional Director; and
 - (c) in the Central Office, the Deputy Secretary, appropriate Assistant Secretary, Chief of Staff, Director, Inspector General, or General Counsel.
- (2) **Employee**, where used herein, refers to all Senior Management Service, Selected Exempt Service, Career Service, and Other Personal Services (OPS) employees.
- (3) **Immediate Supervisor**, where used herein, refers to the employee's immediate supervisor as designated on the official, approved organizational chart.
- (4) **Local Human Resource (LHR) Contact**, where used herein, refers to the Field Office Manager, Human Resource Consultant at the institution, or Field Office Manager/Circuit Administrator assigned to a circuit office.
- (5) **Office of Human Resources (OHR)**, where used herein, refers to the Office of Human Resources located in Central Office.
- (6) **Outside Employment**, where used herein, refers to a Department employee receiving compensation from an employer other than state government or from self-employment. Compensation includes, but is not limited to, payment for expert witness, consulting, auditing, and research services, and income associated with election or appointment to public office. Please refer to the dual employment rule, 60L-32.003, F.A.C., for guidelines to follow for secondary employment within state government.
- (7) **Reviewing Authority**, where used herein, refers to:
 - (a) for a regional office, the appropriate Regional Director;
 - (b) for an institution, the Warden;
 - (c) for a probation and parole field office, the appropriate Circuit Administrator; and
 - (d) in the Central Office, the Bureau Chief or equivalent.

SPECIFIC PROCEDURES:

- (1) Secondary employment outside state government is permitted. However, the Department will not approve such employment if it:

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- (a) constitutes a real or potential conflict of interest such as pursuant to sections 112.313 and 112.3185, F.S.;
 - (b) interferes with the ability and availability of the employee to perform her/his job duties with the Department, including overtime requirements; or
 - (c) requires the use of state space, staff, equipment, time, or supplies.
- (2) Employment with any entity under contract with the Florida Department of Corrections (FDC) is subject to internal review by the Department. Outside employment in these instances will be denied based on, but not limited to, the following circumstances:
- (a) if the employee seeks or maintains outside employment with a contractor for job duties that are substantially similar in nature to those which the employee performs for the Department;
 - (b) if the outside employment exposes the Department in any way to overtime requirements under the Fair Labor Standards Act; and/or
 - (c) if the employee has/had any responsibilities or involvement with the Department's award of the contract, or with the process of making referrals to or evaluating the contract entity.
- (3) Denial may be waived based on a review by the Office of the General Counsel.
- (4) A Department employee who seeks or accepts outside employment is responsible for making a preliminary determination that such employment does not constitute a conflict of interest.
- (5) A Department employee who seeks or accepts outside employment is required to report the outside employment by completing a "Notification of Employment Outside State Government," DC2-831, and submitting it to her/his immediate supervisor within five working days of acceptance of an offer of outside employment or upon initial employment with the Department if the new employee is already employed outside state government.
- (a) The employee may obtain a DC2-831 from her/his LHR contact or on the Department's intranet at the following link: <http://dcweb/co/forms/dc2-8.html>.
 - (b) The employee will complete section 1 of the DC2-831 and forward it to her/his immediate supervisor.
 - (c) The immediate supervisor will review the DC2-831 to ensure it is complete and in compliance with this procedure. The immediate supervisor will then complete section 2 and forward the DC2-831 to the reviewing authority within five workdays of receipt.
 - (d) The reviewing authority will review the DC2-831 to determine if there is a conflict of interest, complete section 3, and forward the DC2-831 to the approving authority within five workdays of receipt.
 - (e) The approving authority will review the DC2-831 to confirm that no conflicting employment relationship appears to exist and sign section 3 of the form.

- (f) If the approving authority agrees there is no conflict of interest, s/he will provide a copy of the completed DC2-831 to the employee's immediate supervisor who will then give the employee a copy. The approving authority will forward the completed original DC2-831 and any other pertinent information to the OHR to be filed in the employee's personnel file.
 - (g) If the approving authority determines there is a conflict of interest or questions whether a conflict of interest exists, s/he will contact the Office of the General Counsel for guidance.
 - (h) The DC2-831 will be forwarded to the Office of the General Counsel for review if an employee works for or seeks to work for:
 - 1. a substance abuse vendor;
 - 2. a university or community college (i.e., Pat Thomas Academy); or
 - 3. an employee organization, as defined in section 447.203, F.S., with Department employee members.
 - (i) If the DC2-831 is forwarded to the Office of the General Counsel for review, the General Counsel will review the DC2-831, render a determination, complete section 3 of the form, and return the completed DC2-831 to the approving authority within five workdays of receipt.
- (6) An employee of the Department may not receive any compensation whatsoever, directly or indirectly, for any act or service that s/he may do or perform for or on behalf of any officer, employee, agent, or employee of a contractor. An officer or employee of the Department or the state may not have an interest directly or indirectly, in any contract or purchase made, or authorized to be made, by anyone for or on behalf of the Department.
 - (7) If an employee is a member of the Correctional Officer class, s/he will not perform her/his outside employment while wearing her/his Department issued uniform.
 - (8) An employee who seeks or accepts outside employment acknowledges that the FDC is her/his primary employer and will:
 - (a) be available to work an extended workday,
 - (b) remain physically fit and mentally alert, and
 - (c) respond to Department emergencies.
 - (9) The Department will not be obligated to change an employee's shift or days off to accommodate outside employment.
 - (10) Outside employment generally may not exceed more than 24 hours in a work week. This hourly guideline applies whether the employee works at the outside employment on her/his days off or in addition to her/his daily hours with the Department.

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- (11) An employee may teach a class that is included in the curriculum required by the Criminal Justice Standards and Training Commission for Correctional Officers or Correctional Probation Officers at a community college or other training facility. This does not constitute a conflict of interest.
- (12) An employee working in outside employment during her/his regular Department working hours must be on approved special compensatory leave or annual leave if the employee does not have special compensatory leave available.
- (13) A violation of this procedure or the provisions of section 944.38, F.S., not otherwise covered in this procedure is considered a willful violation of the rules, regulations, and/or policies of the Department. Employees violating this procedure are subject to disciplinary action as indicated in the Florida Statutes and/or Rules of the FDC, Personnel, Chapter 33-208, F.A.C.



Chief of Staff