

SECTION: 6.6

SUBJECT: Dual Employment and Outside Employment

AUTHORITY: Executive Director, Chapter 112, 216.262(1)(e) F.S.

Policy:

Employees are expected to give their full efforts to the performance of their FWC duties and responsibilities. State of Florida dual employment, employment outside of the State of Florida government or other involvement in any business activity which involves wildlife, freshwater aquatic life and marine life or includes duties similar or related to the employee's job duties with the Commission, must have prior and continuing approval. Employees will not be approved to engage in activities considered to be a conflict of interest.

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Procedure:

6.6.1 Definitions:

- A. Business Activity** - Any activity for which money is received for work or services. Employees who perform work for which a relative receives money shall be considered to be engaged in a business activity.
- B. Conflict of Interest** - Any situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- C. Outside Employment** - An employee's outside business activity for profit, including an activity where a relative receives compensation for the employee's work.
- D. State of Florida Dual Employment –**
 - 1. Employment in more than one established full- time equivalent position in the Career Service, Selected Exempt Service or Senior Management Service with one or more agencies within the State Personnel System (SPS); or
 - 2. Compensation of an employee simultaneously from a salary appropriation and any other appropriation category by one or more agencies within the SPS; or
 - 3. Compensation of an employee simultaneously by more than one SPS agency; or
 - 4. Compensation for more than one OPS employment within an agency. (A dual employment form is not required for an employee in more than one OPS position if both positions are within the same

Division/Office, performing the same job duties, but require different funding sources).

6.6.2 State of Florida Dual Employment

- A.** All FTE and OPS Commission employees seeking State of Florida dual employment or compensation simultaneously from any appropriation other than an appropriation for salaries must submit a request for approval on the State of Florida Dual Employment and Compensation Request form to their Division/Office director or his/her designee. The director or designee shall approve/disapprove the request. If the request is not approved, the director or designee shall note so on the form with an explanation and notify the employee. The director or designee shall be responsible for forwarding the approved/disapproved form to the Office of Human Resources for final review and approval.
- B.** Upon receipt of an approved form, staff in the Office of Human Resources shall be responsible for ensuring adherence to Wage and Hour laws. Upon final approval, the employee and supervisor shall be notified by staff in the Office of Human Resources.
- C.** Approval will not be granted if a conflict of interest is determined to exist by the Division/Office director or designee, Legal or Human Resources staff.
- D.** Existing approvals must be resubmitted for approval before the start of the following fiscal year.
- E.** Violations of any provisions of this procedure shall be the basis for suspension of the dual employment approval and/or disciplinary action.

6.6.3 Outside State of Florida Government Employment

- A.** FTE and OPS employees must obtain prior approval before engaging in outside employment or business activity which involves wildlife, freshwater aquatic life, marine life or includes other duties similar or related to the employee's job duties that may create a conflict of interest with the Commission. Employees of the Division of Law Enforcement must also comply with General Order 6, Off-Duty and Extra-Duty Employment.
- B.** The employee shall be responsible for submitting the *Outside State of Florida Government Employment Request* form to his/her supervisor who shall approve or disapprove the request and forward it through the chain-of-command to the Division/Office director or designee for approval/disapproval. The Division/Office director or designee and Human Resources staff shall have the final approval of outside employment requests. Employment outside state of Florida government will normally be approved unless there is a potential conflict of interest.
- C.** Employees who desire to write for outside publication and whose articles/stories are related to programs and activities of the Commission must receive approval from the Division/Office director or

designee prior to accepting an employment offer or submitting the document to a vendor for consideration. The Division/Office director or designee shall not unreasonably deny requests of employees whose primary duties are writing for publication or public information if the Division/Office director or designee does not plan to assign the employee to work on a similar issue within the next twelve months and the outside employment will be completed within a timeframe of three months or less. Employees whose duties are not related to writing for publication or public information shall normally receive approval.

- D. The following activities in Florida shall not be approved for employees:
 - 1. Entrance into any professionally organized fishing or hunting contest for which money or prizes with monetary value are involved and where the employee has access to information not generally made available to the public or for which the employee's work activities and location put him/her at a decided advantage. If in doubt, the employee is required to obtain clarification in writing from the Division/Office director.
 - 2. Employees engaging in activities which might conflict with Commission programs or authority which could result in public criticism should receive clarification prior to engaging in such activities.
- E. Information regarding conflict of interest as defined in Chapter 112, Florida Statutes; may be found in IMPP 6.44 Code of Ethics.
- F. Outside employment renewal requests must be resubmitted before the start of each fiscal year if there are any changes from the original approved request. All requests whether approved or disapproved, shall be forwarded to the Office of Human Resources.

6.6.4 Law Enforcement Employment

Upon request and under certain conditions, law enforcement officers may be permitted to wear their uniforms and use their patrol vehicles for approved off-duty police employment. Law enforcement outside employment shall be in accordance with Division of Law Enforcement General Order 6.

6.6.5 Revocation or Suspension of Dual or Outside Employment

- A. Employees unable to perform their normal FWC duties due to either a job or a non-job-related injury or illness shall normally not be allowed to perform dual or outside employment activity unless approved by the Division/Office director.
- B. Employees shall not be allowed to continue dual or outside employment during any period they have been officially notified by their supervisor they are not meeting performance expectations if the Division/Office director or designee determines the secondary employment contributed to the employee's performance deficiencies. If the employee's performance improves to a satisfactory level,

permission to resume dual state government or outside state government employment may be denied until a reasonable time period has lapsed whereby the employee has demonstrated the ability to be able to work two jobs without interfering with the required performance level of Commission employment.

- C. If an employee violates a condition of dual state government or outside state government employment, the privilege for all dual or outside employment may be revoked.

History: Est. 12/01/2002; Revised 2/20/2006; 4/12/2010; 11/15/2011; 9/24/2012; 2/22/2013

APPROVED:

Gregory L. Holder
Executive Director or Designee

February 22, 2013
Date