
 DIRECTIVE	Corrections and Community Supervision		TITLE Outside Employment	NO. 2218
				DATE 08/26/2019
SUPERSEDES DIR# 2218 Dtd. 07/27/18	DISTRIBUTION A	PAGES PAGE 1 OF 3	DATE LAST REVISED	
REFERENCES (Include but are not limited to) Correction Law §22; Public Officers Law §74; 7 NYCRR Part 52.4; Directives #2020, #2260; Employees' Manual Section 2.21; Personnel Procedure Manual #134			APPROVING AUTHORITY 	

- I. **PURPOSE:** To provide direction and procedures for employees who wish to obtain permission for outside employment. An employee inquiring about permission for outside employment shall be provided with a copy of this directive and [Form #1218](#), "Request for Permission for Outside Employment," by their personnel office.
- II. **DEFINITION:** Outside employment means employment during off duty hours.
- III. **POLICY**
 - A. Except for employees in the military reserves or those in a family business who do not receive a salary, or NYSCOPBA represented employees who are self-employed, no Department employee may engage in outside employment without written approval from the Commissioner or the Chair of the Board of Parole, or their designee. For the purposes of this directive, the Director of Personnel is the Commissioner's and Chair's designee. Written permission must be obtained even for temporary or a single day of work if the employee receives pay for such activity.
 1. Those employees exempted from obtaining permission to engage in self-employment are prohibited from having an interest in or derive any benefit from any contract of the Department. They may not receive any fee, commission, gratuity, or gift from any person doing business with the Department. Please see; NYS Correction Law §22, Public Officers Law §74, 7 NYCRR Part 52.4, Employees' Manual Section 2.21, and Directive #2260, "New York State Ethics."
 2. All State employees, irrespective of collective bargaining unit, are prohibited from engaging in any outside employment, business, or transaction which is in substantial conflict with the proper discharge of their duties in the public interest. All State employees are responsible for abiding by the conflict of interest standards outlined in Public Officers Law §74.
 - B. An employee's request for outside employment may be disapproved, or an employee's previously approved request terminated, if such outside employment would adversely affect or has adversely affected the employee's performance of duties, or if the facts and circumstances of such employment are contrary to the best interests of the Department.
 - C. Any employee who is on Time and Attendance Review will not be approved for outside employment. In addition, previously approved requests for outside employment will be rescinded once an employee reaches STEP III of the Time and Attendance Review process.
 - D. Employees who are approved for outside employment shall not use Department time or resources in the performance of such outside employment.

- E. A pre-existing authorization for outside employment will be subject to review if the employee is placed on a limited duty assignment or is absent from work as a result of an illness or injury.
- F. An approval for outside employment will be valid only for the duration of employment at the specific position and with the employer described in the employee's request. It will remain valid until such time as it is revoked, suspended, or until the outside employment is terminated or changed.
- G. No employee may work "extra service" for part-time work for another New York State agency without authorization from the Director of Personnel. Further information on extra service regulations is outlined in Personnel Procedure Manual #134, "Dual Employment/Extra Service."
- H. An employee may not carry a firearm in connection with outside employment, unless he or she obtains or has the required license or permit, or is licensed by that employer. Further information on off-duty firearms regulations is outlined in Directive #2020, "Off-Duty Firearms Regulation."

IV. PROCEDURE: The following procedures will be used for implementation of requests for outside employment:

- A. Any employee who wishes to engage in outside employment, not to exceed 20 hours a week, shall first present a written request to his or her supervisor by completing [Form #1218](#). The supervisor will forward the request to the Superintendent, Regional Director, Division Director, or Chair for review. The employee must await approval of the request before engaging in any outside employment. Part-time employees may be exempt from the 20-hour restriction. New employees must submit [Form #1218](#) for any existing employment during their first week on the payroll. In these instances, new employees can continue outside employment until a final determination is made.

In addition to filing [Form #1218](#), if a position has been designated policymaking (i.e., Facility Executive staff, Bureau Chiefs, Central Office Division Director, and above), the New York State Joint Commission on Public Ethics (JCOPE) approval is required prior to engaging in any outside activity, if the amount to be earned is more than \$5,000 annually. Form DOS-1033, which is linked within Department Directive #2260 must be completed and forwarded to JCOPE. This form is also available on the JCOPE website at:

<https://jcope.ny.gov/sites/g/files/oe746/files/documents/2017/10/2017-outside-activity-approval-formwriteable-62817.pdf>

The completed DOS-1033 form must be approved by the Director of Personnel as the appointing authority, prior to submission to JCOPE.
- B. After completing the "Superintendent/Regional Director/Division Director/Chair Recommendation" section, the form shall immediately be submitted to the Central Office Assistant Director of Personnel that is responsible for the facility, region, or division.
- C. The Assistant Director will review the request to ensure that there is no potential for negative impact on the Department, and forward the request to the Director of Personnel.

- D. The Director of Personnel shall return the final approval or disapproval to the Assistant Director who, in turn, will return the decision to the requesting Superintendent, Regional Director, Division Director, or Chair.
- E. The appropriate Assistant Director of Personnel (for Central Office and Community Supervision staff) or Superintendent (for Correctional Facility staff) will direct that the original signed form be filed in the employee's personnel file. The employee is provided with a copy of the form which indicates the outside employment has been approved or disapproved.
- F. If the Division Director, Regional Director, Superintendent, or Chair determine that the previously approved outside employment is adversely affecting the Department, a written request and justification to rescind this permission must be submitted to the Director of Personnel.

REQUEST FOR PERMISSION FOR OUTSIDE EMPLOYMENT

Ref. Section 2.21 of the Employees' Manual and Directive #2218 (to be issued with application)

*Note: Employees in the military reserves are exempt from this requirement.

LAST NAME		FIRST NAME	MIDDLE INITIAL	FACILITY/BUREAU/OFFICE
TITLE	DATE OF APPOINTMENT	STATUS <input type="checkbox"/> Perm. / Cont. Perm. <input type="checkbox"/> Temp. or Prov.	PRESENT ASSIGNMENT AND SHIFT	

BE THOROUGH: AN INCOMPLETE FORM
WILL NOT BE ACCEPTED

DETAILS OF OUTSIDE EMPLOYMENT

NAME OF EMPLOYER _____

TYPE OF BUSINESS _____

NO. AND STREET _____ CITY _____

TOTAL HOURS OF EMPLOYMENT WEEKLY _____ WORK SCHEDULE _____

TITLE AND DUTIES _____

YES ☐ NO ☐ Is this your only source of outside employment? If "no", list all employers and number of hours worked on back.

YES ☐ NO ☐ Is this your first application for the employment described above?

YES ☐ NO ☐ Are you on limited duty or absent because of an injury or illness?

If your request is approved, the approval will be valid only for the duration of your employment at the position and employer described above.

SIGNATURE OF EMPLOYEE _____ DATE _____

SUPERINTENDENT/REGIONAL DIRECTOR/DIVISION DIRECTOR/CHAIR RECOMMENDATION

CHECK ALL THAT APPLY

☐ I certify that this employee's time and attendance record meets agency standards.

☐ I approve the above-named employee for outside employment. (part time employees only)

☐ Directive #2020, "Off-Duty Firearms Regulation," Section II-G & H applies.

☐ I approve the above-named employee for outside employment not to exceed 20 hours per week.

☐ I do not approve this outside employment for the above-named employee.

REMARKS: _____

SIGNATURE OF SUPERINTENDENT/ REGIONAL DIRECTOR/DIVISION DIRECTOR/CHAIR _____

DATE _____

☐ RECOMMENDED

☐ NOT RECOMMENDED FOR THE FOLLOWING REASON(S) _____

ASSISTANT DIRECTOR OF PERSONNEL _____ DATE _____

☐ APPROVED (PART TIME EMPLOYEES)

☐ APPROVED NOT TO EXCEED 20 HOURS PER WEEK FROM ALL SOURCES OF OUTSIDE EMPLOYMENT

☐ DISAPPROVED

REMARKS:

DIRECTOR OF HUMAN RESOURCES PERSONNEL _____ DATE _____

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