

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**D.C. Department of Human Resources**

**District Personnel Manual Issuance System**

This instruction should be filed  
behind the divider for Part III of  
DPM Chapter(s) **18**

**DPM Instruction No. 18-1**

**SUBJECT:** Outside Employment and Dual  
Pay and Dual Employment

**Date:** November 8, 2007

The purpose of this District Personnel Manual (DPM) instruction is to communicate the policy on outside employment and the regulations on dual pay and dual employment.

**I. OUTSIDE EMPLOYMENT**

**Employee Conduct and Ethical Considerations Concerning Outside Employment –**

D.C. Official Code § 1-618.01 (2006 Repl.) states that each District government employee **MUST** maintain a high level of ethical conduct in connection with the performance of his or her official duties. Such ethical conduct includes avoiding misconduct as well as conflicts of interest that may be created by a holding a “*second job*.”

**General Prohibition against Outside Employment where the Employer is Other than the District government –**

1. A District government employee **IS PROHIBITED** from holding outside employment where the employer is other than the District government if:
  - The outside employment or *second job* would present a conflict with the interests of the District government; or
  - Would interfere with the scheduled tour of duty of the employee’s District government job.
2. A District government **IS NOT PROHIBITED** from taking a second job while on approved annual leave solely because the hours of employment of the second job coincide with those during which the employee works for the District government.

*Note: DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3]*

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## I. OUTSIDE EMPLOYMENT

### Cont.

- Generally, a 1-time paid activity, undertaken while the employee is on approved annual leave, is less likely to interfere with the employee's scheduled tour of duty than would the practice of regularly taking annual leave for a second (2<sup>nd</sup>) job during the normal hours of the employee's tour when on duty.

**For example:** a District government employee invited to participate in a 1-time only paid 2-day seminar, the subject of which does not conflict with the interests of the District government, would not be prohibited from using annual leave for those 2 days solely because the hours of the seminar happen to coincide with the hours of the employee's tour of duty with the District government. However, a second job that would require a District government employee to take annual leave every Friday afternoon for 2 hours would be prohibited, because such frequent absences are likely to interfere with the employee's ability to adequately perform his or her governmental duties.

[Annual leave is subject to approval by a District government employee's immediate supervisor. *See* D.C. Official Code § 1-612.03 (2006 Repl.).]

## II. DUAL PAY AND DUAL EMPLOYMENT – HOLDING A SECOND GOVERNMENT JOB

1. An individual **SHALL NOT** receive basic pay from more than 1 position, whether with the federal government, the District government, or both, covered by the Civil Service Retirement System for more than an aggregate of 40 hours of work in 1 calendar week.
2. Unless specifically authorized, a District government employee **IS PROHIBITED** from holding a second District government position where the employee would receive pay from 2 or more government positions for more than an aggregate of 40 hours of work in 1 calendar week.
3. Some exceptions:
  - Pay received by a teacher of the D.C. Public Schools for employment in a position during the summer vacation period
  - Pay for intermittent employment as a teacher in the Department of Corrections
  - Pay for part-time or intermittent employment as an instructor, teacher, or professor at the University of the District of Columbia



## II. DUAL PAY AND DUAL EMPLOYMENT – HOLDING A SECOND GOVERNMENT JOB

### Cont.

- Pay for temporary or intermittent employment for services performed due to emergencies resulting from natural disasters or similar unforeseen events or circumstances

See section 1147.4 of Chapter 11 of the D.C. personnel regulations, Classification and Compensation, for the complete list of exceptions to the dual compensation rules.

## III. COMPLIANCE

AGENCY DIRECTORS are responsible for:

- Ensuring compliance with the provisions governing outside employment and dual compensation described in this instruction; and
- Referring any incidents or violations that warrant investigation to the appropriate authority, including where appropriate, the Office of the Inspector General or the Office of the Attorney General for the District of Columbia.

### References

- Section 1147, *Dual Pay and Dual Employment*, of Chapter 11 of the regulations, Classification and Compensation
- D.C. Official Code § 1-618.01 *et seq.* (2006 Repl.), Employee Conduct
- Section Chapter 18 of the regulations, Employee Conduct
- Mayor's Memorandum 2003-6, *Policies on Outside Employment and Dual Compensation*, dated August 22, 2003

  
Brender L. Gregory  
Director

1146.12 An employee shall be permitted to make an allotment for payment of State taxes to the State of Maryland or the Commonwealth of Virginia.

1146.13 An employee shall be permitted to make up to two (2) allotments of pay to a financial organization of his or her choice for credit to his or her savings account.

1146.14 An employee shall be permitted to make an allotment for alimony, child support, or both, when he or she voluntarily elects to do so. This provision shall not apply to garnishment orders issued to enforce child support, alimony obligations, or both, as provided in 42 U.S.C. 659 and 15 U.S.C. 1673.

1146.15 The Mayor shall designate an agent to accept garnishment, levy, and tax set-offs.

#### 1147 DUAL PAY AND DUAL EMPLOYMENT

1147.1 In this section, the following terms have the meaning ascribed:

**Annuity**—the gross amount of the retirement pay, exclusive of deductions, for the period of employment as a reemployed annuitant.

**Pay**—remuneration paid an employee.

**Position**—the work, consisting of the official duties and responsibilities assigned by competent authority for performance by an employee.

**Reemployed annuitant**—a person who is appointed to and occupies a position in the District government, and who is receiving an annuity from a District government civilian retirement system, or who otherwise meets the legal requirements and has filed for an annuity under such a system, except as provided in § 1147.2.

1147.2 As provided in § 1103(b) of the CMPA (D.C. Official Code § 1-611.03(b) (2001)), the pay of an individual receiving an annuity under any District government civilian retirement system selected for employment in the District government on or after January 1, 1980, shall be reduced by the amount of annuity allocable to the period of employment as a reemployed annuitant. No reduction shall be made to the pay of a reemployed individual for any retirement benefits received by the reemployed individual pursuant to §§ 2603 through 2612 of the CMPA (D.C. Official Code §§ 1-626.03 through 1-626.12 (2001)); the Judges' Retirement Fund, established by D.C. Official Code § 1-714 (2001); or § 3 of the Retired Police Officer Public Schools Security Personnel Deployment Amendment Act of 1994 (D.C. Official Code § 5-723(e) (2001)).

1147.3 An employee, except as provided in § 1147.4, shall not be entitled to receive basic pay from more than one (1) position in the District government for more than an aggregate of forty (40) hours of work in one (1) calendar week.

1147.4 The provisions of § 1147.3 shall not apply to the following:



- (a) Pay on a when-actually-employed basis received from more than one (1) consultant or expert position if the pay is not received for the same hours of the same day;
- (b) Pay consisting of fees paid on other than a time/rate basis;
- (c) Pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period;
- (d) Pay for intermittent employment as a teacher in the Department of Corrections;
- (e) Pay for temporary part-time or intermittent employment of a teacher, custodial, or other employee necessary to carry out the recreation programs of the Department of Parks and Recreation;
- (f) Pay for a ninety-day (90-day) period for full-time, part-time, or intermittent employment of a referee, umpire, swimming pool guard or attendant, gymnasium or playground supervisor, or other special employee necessary to carry out the recreation program in the Department of Parks and Recreation;
- (g) Pay for part-time or intermittent employment as a counselor or monitor in connection with summer youth opportunity programs in the District government;
- (h) Pay for part-time or intermittent employment as a teacher in the D.C. Public School system;
- (i) Pay for part-time or intermittent employment as an instructor, teacher, or professor at the University of the District of Columbia;
- (j) Pay for part-time or intermittent employment within the Department of Mental Health as a psychiatric resident or intern who is employed for training purposes under the student-stipend program; or
- (k) Pay for temporary or intermittent employment for services performed due to emergencies resulting from natural disasters or similar unforeseen events or circumstances.

1147.5 An individual shall not be entitled to receive basic pay from more than one (1) position, whether with the Federal Government, the District government, or both, covered by the Civil Service Retirement System (Subchapter III of Chapter 83 of Title 5 of the U.S. Code) for more than an aggregate of forty (40) hours of work in one (1) calendar week.

#### 1148 SEVERANCE PAY

1148.1 In this section, the following terms have the meaning ascribed: