

**BY ORDER OF THE COMMANDER  
GRAND FORKS AIR FORCE BASE**

**GRAND FORKS AIR FORCE BASE  
INSTRUCTION 51-100**



**23 AUGUST 2012**

**LAW**

**OFF-DUTY EMPLOYMENT AND  
OFF-DUTY BUSINESS ACTIVITIES**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements DOD 5500.7-R, Joint Ethics Regulation (JER), Sections 2-206a and 3-303a, and DOD Directive 5500.7, Standards of Conduct. It establishes internal agency procedures for processing requests for approval of off-duty employment required to be submitted by sections 2-206a and 3-306e of the JER, and as authorized by DOD Directive 5500.7. This instruction also delegates to commanders and supervisors the authority expressly granted by sections 2-303 and 3-306e of the JER to require DOD employees under their jurisdiction to report any off-duty employment prior to engaging in such employment. All military and civilian personnel assigned to the 319th Air Base Wing who seek to engage in off-duty employment are required to submit an AF Form 3902, Application and Approval for Off-Duty Employment. Grand Forks AFB Instruction 51-100 is a punitive instruction; military and civilian personnel who fail to comply with this instruction subject themselves to criminal liability and/or disciplinary action. This instruction also applies to members of the Air Force Reserve while they are on active duty orders in excess of thirty (30) consecutive days. Ensure that all records created as a result of processes prescribed in this publication are maintained In Accordance With (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW with the Air Force Records Information Management System (AFRIMS) located at <https://www.my.af.mil/afrims/afrims/afrims/rims.cfm>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command.

## ***SUMMARY OF CHANGES***

This document has been substantially revised and must be completely reviewed. Major changes include: Previous editions of this publication indicated JA review is not required unless requested by the applicant's immediate supervisor or commander. Paragraph 3.4 now requires: "JA review on all off-duty employment applications."

### **1. Policies.**

1.1. 319 ABW personnel, both military and civilian, shall not engage in off-duty employment that:

- 1.1.1. Is prohibited by statute or regulation;
- 1.1.2. Interferes with or is incompatible with performing government duties;
- 1.1.3. Would reasonably be expected to bring discredit upon the armed forces;
- 1.1.4. Would tend to create a conflict of interest;
- 1.1.5. Would detract from readiness; or
- 1.1.6. Would pose a security risk.

1.2. Explanation of Terms.

1.2.1. The term "off-duty employment" means employment outside of DOD, with or without compensation, as well as off-duty business activity, including self-employment.

1.2.2. The term "off-duty business activity" includes self-employment, and means the offering of goods and/or services to the general public for a fee or commission. It includes providing services to or conducting financial or real estate transactions on behalf of paying clients. It includes the sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, telephone service, pre-paid legal services, and other goods or services. The term "off-duty business activity" does not include the investment of personal funds in stocks or real estate, garage sales, or occasional babysitting for friends or relatives. Outside employment does include off-duty medical studies as noted in Section 2 of this document.

1.2.3. The term "readiness" includes the ability of the United States 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.

1.3. All civilian and military personnel who intend to perform 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. Final approval must be obtained prior to starting off-duty employment.

1.4. 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.

1.5. Judge advocates and civilian attorneys assigned within The Judge Advocate General's Corps must comply with the requirements regarding off-duty employment in TJAG Policy Memorandum TJS-7, *Off-Duty Employment of Judge Advocates and Civilian Attorneys*.

1.6. An AF Form 3902 is 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 co-worker, do not require resubmission of the AF Form 3902. However, at no time may off-duty employment conflict with government duties. Previously denied requests may be resubmitted after a change in the individual's Air Force duties.

1.7. Military personnel who fail to comply with the filing requirements of this instruction violate a lawful order which may result in appropriate disciplinary action or criminal liability under Article 92 of the Uniform Code of Military Justice. United States Air Force civilian employees who violate this instruction by failing to comply with its filing requirements are subject to appropriate disciplinary action without regard to criminal liability.

## **2. Off-Duty Medical Research Studies.**

2.1. Military aircrew members, air traffic controllers, and members on personnel reliability program status are subject to special medical restrictions and are ineligible to participate in off-duty medical research studies.

2.2. Military members scheduled to deploy within 90 days and military members assigned to an AEF rotation scheduled to occur within 90 days are ineligible to participate in off-duty medical research studies.

2.3. Military members participating in off-duty medical research studies must inform the organization conducting the study that they are a military member and will have to immediately cease participation once they are within 90 days of a deployment or AEF rotation.

2.4. Prior to completing the AF Form 3902, Application and Approval for Off-Duty Employment, military members seeking to participate in off-duty medical research studies must coordinate with their primary care manager (PCM) at the 319th Medical Group. The PCM will evaluate the study to determine if any medical or occupational concerns exist and recommend either approval or disapproval. The PCM recommendation will be documented in the applicant's outpatient medical records. A written recommendation provided to the applicant and must accompany the AF Form 3902 during all stages of the application and approval process.

## **3. Procedures for Completing AF Form 3902.**

3.1. The applicant completes Section I.

3.2. The applicant's supervisor completes Section II.

3.3. JA review is required on all off-duty applications.

3.4. Section IV is completed by the first person in the applicant's chain of command or supervision who is a commissioned military officer or a civilian GS-12 or above, and who is above the applicant's immediate supervisor. However, if the applicant's immediate

supervisor is the 319 ABW/CC, then the immediate supervisor also completes Section IV. The individuals specified in this paragraph who are authorized to complete Section IV of the AF Form 3902 (other than Unit Commanders) are considered to be Delegates of Unit Commanders, for purposes of completing Section IV of the AF Form 3902.

**4. Filing AF Form 3902.**

4.1. The requestor's unit is responsible for maintaining the AF 3902 as long as the individual is assigned to their unit.

4.2. In cases where the applicant is required to file a SF 278, Public Financial Disclosure Report, or an OGE Form 450, Confidential Financial Disclosure Report, a copy of the completed AF Form 3902 will be sent to the Legal Office, which will maintain the form as required by the Joint Ethics Regulation, DOD 5500.7-R.

TIMOTHY E. BUSH, Colonel, USAF  
Commander, 319th Air Base Wing

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFMAN 33-363, *Management of Records*

***Adopted Forms***

AF IMT 847, *Recommendation for Change of Publication*

***Abbreviations and Acronyms***

**AF**— Air Force

**AFB**— Air Force Base

**AMC**— Air Mobility Command

**AMCI**— Air Mobility Command Instruction

**IMT**— Information Management Tool

**OPR**— Office of Primary Responsibility

**RDS**— Records Disposition Schedule

***Terms***

**Accountable Forms**—Forms that the Air Force stringently controls and which cannot be released to unauthorized personnel, since their misuse could jeopardize DOD security or result in fraudulent financial gain or claims against the government.

**Administrative Change**—Change that does not affect the subject matter content, authority, purpose, application, and/or implementation of the publication (e.g., changing the POC name, office symbol(s), fixing misspellings, etc.).

**Approval Authority**—Senior leader responsible for contributing to and implementing policies and guidance/procedures pertaining to his/her functional area(s) (e.g., heads of functional two-letter offices).

**Authentication**—Required element to verify approval of the publication; the approval official applies his/her signature block to authenticate the publication. The signature block includes the official's name, rank, and title (not signature).