

**BY ORDER OF THE COMMANDER
56TH FIGHTER WING (AETC)**

**LUKE AIR FORCE BASE
INSTRUCTION 51-504**



11 FEBRUARY 2016

Law

OFF-DUTY EMPLOYMENT

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFPD 51-5, *Military Legal Affairs*. This instruction establishes internal agency procedures for processing requests for approval of off-duty employment required to be submitted by sections 2-206a and 3-304 of DoD 5500.7-R, *Joint Ethics Regulation (JER)*, authorized by DoD Directive 5500.7, *Standards of Conduct*. This instruction also delegates to agency designees, commanders, heads of organizations, and supervisors the authority expressly granted by sections 2-303 and 3-304c of DoD 5500.7-R to require DoD employees under their jurisdiction to report any off-duty employment prior to engaging in such employment, and to prohibit off-duty employment that will detract from readiness or pose a security risk. All military personnel assigned to Luke Air Force Base (Luke AFB) who seek to engage in off-duty employment are required to submit an AF Form 3902, *Application and Approval for Off-Duty Employment*. This instruction is a punitive instruction; failure to observe the prohibitions and mandatory provisions in the publication is a violation of Article 92, UCMJ and noncompliance may result in punishment under Article 92, UCMJ. This publication requires the collection and maintenance of information protected by the Privacy Act (PA) of 1974, 5 United States Code (USC) section 552a. The authority to collect and maintain the records prescribed in this publication is 10 U.S.C. § 8013. Forms affected by the PA must have the appropriate PA statement. This instruction does not apply to Air National Guard or U. S. Air Force Reserve members. Refer recommended changes and questions about this publication to the Office of Primary Responsibility using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847 from the field through the appropriate functional chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records

Disposition Schedule (RDS). The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. This publication may not be supplemented or further implemented/extended. The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

SUMMARY OF CHANGES

Updated records management, records disposition, and off-duty employment definition.

1. Policy.

1.1. Luke AFB military personnel must not engage in off-duty employment that:

1.1.1. Is prohibited by statute or instructions;

1.1.2. Interferes with or is not compatible with performing their government duties;

1.1.3. May reasonably be expected to bring discredit upon the government or the Department of Defense;

1.1.4. May tend to create a conflict of interest; or

1.1.5. Will detract from readiness or pose a security risk. Failure to observe the prohibitions and mandatory provisions in the publication is a violation of Article 92, UCMJ and noncompliance may result in punishment under Article 92, UCMJ.

1.2. Explanation of Terms.

1.2.1. The term “off-duty employment” means business activities and compensated outside employment, including self-employment. Examples of self-employment include the sale of insurance, mutual funds, cosmetics, household supplies, vitamins, and other goods or services.

1.2.2. The term “readiness” includes the ability of the Air Force to perform its mission in the manner and at the time and place required, and the ability of a military member to perform his or her government duties in the manner and at the time and place required.

1.3. All military personnel who intend to perform off-duty employment, including employment while on terminal leave, will submit an AF Form 3902 to their first-level supervisor at least two weeks before beginning employment (except in cases where two weeks notice is not possible). Final approval must be obtained prior to starting off-duty employment. In addition to the requirements of this instruction, medical service personnel must comply with AFI 44-102, *Medical Care Management*.

1.4. Personnel who have not obtained prior approval and who are, on the effective date of the instruction, already engaged in off-duty employment, will have 90 days from that date to obtain such approval.

1.5. A new AF Form 3902 must be 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 increase. Occasional increases in hours due to situations

such as the availability of overtime work, or the need to fill in for an absent coworker, do not require resubmission of the AF Form 3902. Previously denied requests may be resubmitted after a change in the individual's Air Force duties.

1.6. Military personnel who fail to comply with the filing requirements of this instruction violate a lawful general order that may result in appropriate disciplinary action or criminal liability under Article 92 of the Uniform Code of Military Justice.

2. Procedures for Completing AF Form 3902.

2.1. The employee completes Section I.

2.2. The employee's immediate supervisor completes Section II.

2.3. 56 FW/JA completes Section III.

2.4. Section IV is completed by the first person in the employee's chain of command or supervision who is a commissioned military officer or a civilian GS-12 or above, and who is above the employee's immediate supervisor. However, if the employee's immediate supervisor is a General Officer, SES member, SES equivalent (e.g. ST, SL), or Wing Commander (or equivalent), 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.

2.5. Filing AF Form 3902. After a request is approved or disapproved, the individual's unit will maintain the original request.

SCOTT L. PLEUS
Brigadier General, USAF
Commander

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

AFPD 51-5, Military Legal Affairs, 27 September 1993

AFMAN 33-363, *Management of Records*, 1 March 2008

DoD 5500.7-R, *Joint Ethics Regulation (JER)*, 17 November 2011

DoD Directive 5500.7, *Standards of Conduct*, 29 November 2007

AFI 44-102, Medical Care Management, 17 March 2015

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

AF Form 3902, *Application and Approval for Off-Duty Employment*

Abbreviations and Acronyms

AF —Air Force

AFI —Air Force Instruction

AFB —Air Force Base

AFMAN —Air Force Manual

AFPD —Air Force Policy Directive

AFRIMS —Air Force Records Information Management System

FW —Fighter Wing

JA —Judge Advocate

PA —Privacy Act

RDS —Records Disposition Schedule (RDS)

UCMJ —Uniform Code of Military Justice