



# POLICIES AND PROCEDURES

## MONTGOMERY COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

NO. 510

PAGE  
1 OF 1

DATE  
January 16, 1988

TITLE  
OUTSIDE EMPLOYMENT

DIRECTOR APPROVAL

A handwritten signature in black ink, appearing to be "J. J. [unclear]", written over the "DIRECTOR APPROVAL" field.

### PURPOSE

- 1.0 To provide each employee with the official policy and procedures on obtaining approval for participation in outside employment.

### APPLICABILITY

- 2.0 All DFRS employees.

### POLICY

- 3.0 This policy sets forth verbatim the policy on outside/secondary employment entitled "Employment Outside of the County Service" as adopted by the Montgomery County Council on April 30, 1985. This is the policy to be followed by all DFRS employees.
  - 3.1 The Director has the authority to cancel, temporarily or permanently, permission of any employee to engage in outside employment. The employee concerned will be notified in writing of the reasons for any such action by the Director.
  - 3.2 Outside employment approved is contingent on there being:
    - A. No contact with employers or clients while working for the County.
    - B. No use of equipment, materials or supplies belonging to the County in outside employment.

### CANCELLATION

- 4.0 This policy replaces DFRS policy No. 510, entitled "Outside Employment" issued 7/25/79.

### ATTACHMENT

- 5.0 Regulation entitled "Employment Outside of the County Service" adopted 4/30/85.
  - 5.1 "Outside Employment Approval" form as required for use by the Ethics Commission.

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: County Council

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SUBJECT: Approval of Ethics Commission Regulations on Administrative Policies and Procedures for Outside Employment.

Background

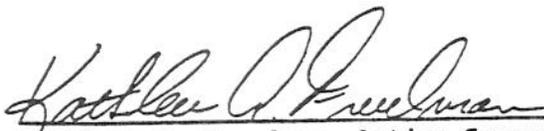
- (1) On January 17, 1985, the Ethics Commission submitted to the County Council regulations on administrative policies and procedures for the employment of County employees outside of government service.
- (2) Chapter 19A, section 19A-5(j) of the Code provides that the Ethics Commission must adopt regulations under method (2) of section 2A-15 of the Code to implement the ethics law.
- (3) Section 2A-15 of the Code provides that regulations under method (2) may be approved or disapproved by the Council by resolution within 30 days after receipt of the proposed regulations.
- (4) Section 2A-15 also provides that the 30 day deadline may be extended, and by Resolutions 10-1140 and 10-1252 the 30 day deadline has been extended to May 1, 1985.
- (5) The Government Service, Automation, and Regulation Committee held worksessions on March 18 and April 12, 1985.
- (6) At those worksessions amendments to the regulations were discussed and later approved by the Ethics Commission.
- (7) On April 19, 1985, the amended version of the regulations were received by the Council.
- (8) The Government Service, Automation, and Regulation Committee recommends approval of the regulations as amended.

ACTION

The County Council for Montgomery County, Maryland, approves the following resolution:

The April 19, 1985 draft with section 4.4 deleted of the regulations submitted by the Ethics Commission on administrative policies and procedures for the employment of County employees outside of government service is approved.

This is a correct copy of Council action.

  
Kathleen A. Freedman, Acting Secretary  
County Council

TITLE: Employment Outside of the County Service.

AUTHORITY:

1.0 Chapter 19A of the Montgomery County Code.

DEFINITIONS:

- 2.0 Definitions contained in Chapter 19A are hereby incorporated. See Section 19A-4, Montgomery County Code.
- 2.1 Confidential Information - Information whether oral or written in the custody of a county employee which is not available to the public pursuant to State Government Article Section 10-622 et seq., Annotated Code of Maryland. This information includes personnel records, confidential commercial information and information protected by law.
- 2.2 County Employee - Any person, including elected or appointed public officials (unless excepted in context), who is compensated in whole or in part by the Montgomery County Government or the Revenue Authority, Housing Opportunities Commission, Board of License Commissioners, independent fire departments or rescue squads. County Employees shall not include paid members of boards, committees and commissions.
- 2.3 County Property - All assets of the county, including but not limited to computers, office equipment, telephones, copiers, county letterhead, county cars (including Personal Patrol Vehicles) and police service revolvers.
- 2.4 Elected or Appointed Official - Any person who is elected to office or appointed to a paid position by the County Executive or the County Council and is not subject to appointment procedures of the Merit System.
- 2.5 Outside Employment - The employment of a paid county employee performing work for compensation for other than the county or an agency, including the Revenue Authority, Housing Opportunities Commission, Board of License Commissioners, and independent fire departments and rescue squads. Outside employment shall not include any military, National Guard or volunteer (non-paid) service.

- 2.6 Supervisor - A county employee who has authority to hire, fire, rate the performance of, and/or direct the day-to-day activities of a subordinate employee.

PURPOSE:

- 3.0 To establish clear and reasonable procedures and policies regulating outside employment activities for all employees of the county government and appropriate agencies.

POLICIES:

- 4.0 County employees shall not engage in outside employment activities during the hours for which they are scheduled to work for the county or during approved sick leave hours; nor shall they distract or coerce other county employees during their scheduled work hours to buy or use products or services sold or offered as part of their outside employment.
- 4.1 County employees are prohibited from working for any person(s) or any entity owned (at least 5% ownership) by a person(s) they supervise or who supervises them as part of their county employment.
- 4.2 County employees may not use any county property whatsoever in the discharge of their outside employment activities including transport to and from their outside employment. Special exception may be made by the Ethics Commission on a case by case basis when the employee obtains written approval by the department head pursuant to the regulations of the department.
- 4.3 County employees may not be employed by or have more than a 5% ownership interest in any business subject to the authority of or doing business with the county agency or department for which they work.
- 4.4 County employees may not use confidential information gained in county employment for outside financial gain or for any purpose other than use in county employment.

- 4.5 County employees, while on duty, may not accept or solicit referrals for their outside employment.
- 4.6 The Ethics Commission adopts and incorporates by reference the directives of individual county departments and agencies in regard to outside employment activities except when the Ethics Commission's policies are more restrictive, in which case they shall override any other directives, or when a specific directive is expressly superseded by an Ethics Commission policy.
- 4.7 Sworn county police officers and civilian police employees may not hold, outside employment involving security duties in the district to which they are assigned as county employees, except as permitted by special waiver granted by the Ethics Commission on a case by case basis. Central office staff will be considered on a case by case basis by the Ethics Commission.
- 4.8 County employees with police powers may not engage in any outside employment position which requires a Maryland State Investigator's License; this requirement shall not be applicable to ownership/conduct of a business which engages in security-related work only.
- 4.9 The following positions are exempt from Ethics Commission approval; however, they remain subject to the provisions of all Ethics Commission policies and conflict of interest provisions of the Montgomery County Code, Art. III, Chapter 19A:

County Government Youth Aide  
Crossing Guard  
Library Assistant I and II  
Recreation Helper  
Recreator I, II, III and IV  
Health Assistant I and II (10 month employees)  
Administrative Aide I, II and III  
Office Assistant I, II, III and IV  
General Clerk I and II  
Clerk Typist I and II  
Library Page

- 4.10 A county employee may request a waiver of these policies by the Ethics Commission under extraordinary circumstances.

PROCEDURES:

5.0 Process for Approval:

Employee:

- 5.0.1 Employee submits two copies of written outside employment form to department head through immediate supervisor. These forms can be obtained from the Personnel Department or the Ethics Commission. Each request shall include, but not be limited to, the following information:
- a. Employee's name, department, division, office number and work schedule;
  - b. Current position title with the Montgomery County Government and brief description of duties;
  - c. Brief narrative of function of county department/division in which county employee works;
  - d. Name, address, telephone number, supervisor's name, and nature of business of outside employer;
  - e. Position title and description of duties to be performed in outside employment;
  - f. Total number of hours to be worked at outside employment each week and work schedule (hours when work is to be performed);
  - g. Anticipated length of employment (month/years/indefinite);
  - h. Licenses or equipment required for outside employment.

5.0.2 Department Head and Supervisor:

Recommends approval or disapproval of employee's request. Forwards employee's request with recommendations within ten (10) working days from receipt to the Ethics Commission with a copy to the Office of Personnel. If disapproval is recommended, states specific reasons for such.

**5.0.3**      **Ethics Commission:**

Reviews request and makes final decision.  
Notifies employee, department/agency head  
and Personnel in writing of final decision.

**5.0.4**      **Elected or Appointed Official:**

Submits request directly to Ethics Commission,  
subject to direction of Chief Administrative  
Officer for officials of the Executive Branch,  
on the outside employment request form or via  
a memorandum form which addresses all of the  
points above.

**PROVISIONS:**

- 5.1**      County employees may begin outside employment at their own risk as soon as such employment is approved by the department/agency head with the understanding that continuance of the outside employment is contingent upon final approval by the Ethics Commission. County employees engaged in outside employment without the approval of the department must immediately submit requests in accordance with Ethics Commission procedures. Failure to obtain Ethics Commission approval is a violation of Section 14.2 of the County's Personnel Regulations and may result in disciplinary action and other penalties as provided by law.
- 5.2**      County employees who have outside employment must notify their department of any outside employment changes when they occur.
- 5.3**      A county employee who receives approval for outside employment and later transfers to another department (or accepts another position within the department), must obtain approval from the new department head (or reapply to the current department head) and obtain the approval of the Ethics Commission to continue outside employment. The original approval shall continue for the outside employment if the employee applies for approval within thirty (30) days after the transfer, until and unless the department head or Ethics Commission denies approval. Otherwise, the approval terminates thirty (30) days after the transfer.

5.4 Employees given one year outside employment approvals will be notified at the appropriate time by the Ethics Commission of the need to request reapproval of their secondary employment; however, employees will remain ultimately responsible for renewing requests as required.

5.5 If there is no question regarding conflict of interest from the department head or Personnel Director, a request for outside employment with a duration of six (6) weeks or less may be finally approved by the Personnel Director.

DEPARTMENTS/AGENCIES AFFECTED

6.0 All.



DEPARTMENT OF FIRE AND RESCUE SERVICES  
MONTGOMERY COUNTY, MARYLAND

REQUEST FOR EMPLOYMENT OUTSIDE  
OF THE COUNTY SERVICE

Type and submit an original via chain of command. Use additional paper if necessary.

Employee may begin outside employment as soon as department head has given written approval on this form. However, such approval is conditional and subject to the final decision of the Ethics Commission.

Date: \_\_\_\_\_

TO: Ethics Commission

VIA: Chief Jon C. Grover, Director, Department of Fire and Rescue Services

VIA: \_\_\_\_\_  
Senior Career Officer Title

FROM: \_\_\_\_\_  
Employee's Full Name Title

SUBJECT: Request for permission to engage in outside employment

Pursuant to Chapter 19A of the Montgomery County Code, I am submitting my request to engage in employment outside the Montgomery County Government.

1. Name: \_\_\_\_\_ County Position Title: \_\_\_\_\_  
 Station: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 Work Schedule (e.g., 8:30 - 5:00): \_\_\_\_\_

2. Brief description of duties and responsibilities of County position: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Brief description of function of County Department/Division in which employed: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Outside Employer Information:

Firm Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

5. Position, title, duties and responsibilities of outside employment: \_\_\_\_\_

\_\_\_\_\_

6. Hours per week to be spent with outside employer and work schedule with outside employment: \_\_\_\_\_

7. Anticipated length of employment with outside employer: (months, years, indefinite)

\_\_\_\_\_

8. Special licenses or equipment required for outside employment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Senior Career Officer Recommendation:

\_\_\_\_\_ Approve \_\_\_\_\_ Deny (State specific reasons for denial)

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Department Head Recommendation:

\_\_\_\_\_ Approve \_\_\_\_\_ Deny (State specific reasons for denial)

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Chief Jon C. Grover, Director  
Department of Fire and Rescue Services

\_\_\_\_\_  
Date