

NAVDENCEN SOUTHWEST INSTRUCTION 5370.2D

Subj: OFF-DUTY EMPLOYMENT (MOONLIGHTING) OF MILITARY PERSONNEL

Ref: (a) DOD5500.7R  
(b) BUMEDNOTE 6000 of 22AUG98  
(c) MILPERSMAN 3420500  
(d) MANMED 1-22

Encl: (1) NDCSW 5370/1 (2-99) Off-duty Civilian Employment Request

1. Purpose. To set forth command policy regarding off-duty employment of military personnel. This instruction applies to all dental corps officers and enlisted personnel.

2. Cancellation. NAVDENCENSIEGOINST 5370.2C.

3. Definitions

a. Employment. Any form of non-federal employment or business relationship involving the provision of personal services (e.g., employee, officer, director, agent, attorney, consultant, contractor, general partner, trustee).

4. Policy. Reference (a), "Joint Ethics Regulation" sets standards of professional and ethical conduct for all DOD personnel. References (b) through (d) outline guidance for off-duty employment. Military health care providers shall be available to provide patient care services to eligible beneficiaries at all times. Off-duty commitments may not interfere with these duties, which include phone watch responsibilities.

a. Permission to engage in off duty employment must be requested and approved in writing before such employment may begin.

b. Active duty members will not engage in any civilian employment, with or without compensation, that:

(1) Interferes with or is not compatible with the performance of their government duties.

(2) May reasonably be expected to bring discredit upon the government or the Department of the Navy.

(3) Involves the use of grade, rank, title, position, or uniform to promote any commercial enterprise or product.

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(4) Involves soliciting other junior DOD personnel or their families on or off-duty for sales of insurance, stocks, mutual funds, real estate, cosmetics, household appliances, vitamins, and other goods or services.

(a) Exception: Sale or lease of non-commercial personal or real property or commercial sales in a retail establishment during off-duty employment.

c. When doubt exists on questionable employment, seek consultation with the local ethics counselor. All Judge Advocate General (JAG) officers are designated as ethics counselors.

d. Professional off-duty employment of dental officers.

(1) Not to exceed 16 hours per week, unless approved by the Commanding Officer.

(2) Not authorized for providers in training programs.

(3) Will not be conducted while on administrative leave (must be on official leave).

(4) Use of government supplies or personnel is prohibited.

(5) Any court appearances relative to moonlighting must be accomplished while on official leave.

(6) Doctors must comply with state laws regarding licensing, Drug Enforcement Agency (DEA) and malpractice.

(7) Inform the Commanding Officer of any deviation from approved request prior to such change.

(8) There is no conflict of interest for doctors to treat patients who are enrolled in the Tricare Dental Plans (Family member, retired, selected reserves).

## 5. Responsibilities

a. Off-Duty Employment Coordinator. The Professional Affairs Coordinator (PAC) is appointed the command Off-Duty Employment Coordinator and tasked with receiving, reviewing, and monitoring all dental corps officer requests for professional remunerative employment, as well as maintenance of related files and information for inspection purposes. The Off-Duty Employment Coordinator will serve as the Commanding Officer's principle advisor on all matters pertaining to off-duty employment. Random audits of current moonlighting status will be conducted at least annually. The PAC will forward a copy of approved/disapproved requests to the provider and branch director.

b. Enlisted Staff Members. Enlisted personnel will request permission to engage in off-duty employment by submitting a special request chit (NAVPERS 1336/3) via the chain-of-

command to their director. The member is responsible for notifying their director of any change in status of their off-duty employment.

c. Directors. Directors are delegated approval authority for enlisted requests. A copy of the request chit will be filed in the member's division officer's file. Directors may also rescind previously approved chits of enlisted members if necessary. Directors will endorse requests from dental officers for professional employment.

d. Dental Officers. Dental officers who wish to engage in professional remunerative off-duty employment will submit NDCSW 5370/1 (2-99) via their director to the PAC. Non-professional and volunteer professional employment does NOT require command approval. Member will notify the Commanding Officer via branch director and PAC of any change in off-duty employment status.

## 6. Forms

a. NAVPERS 1336/3 (Rev 9-75) Special Request/Authorization, standard stock number 0106-LF-0634-8633, may be ordered through the federal stock system.

b. NDCSW 5370/1 (2-99) Off-Duty Civilian Employment Request may be obtained from the Professional Affairs Coordinator.

D. D. WOOFER

Distribution:  
List I, Case 2

