



Approved by  
The Commission

No. 2-14

Initially issued: 07/02/1976

Last amended: 10/15/2003

Last reviewed: 05/04/2016  
without modification

## NON-COMMISSION EMPLOYMENT AND NON-COMMISSION BUSINESS

### AUTHORITY

This Practice was initially approved by the Executive Committee on July 2, 1976. It was later revised on March 18, 1987, by the Commission.

This Practice was again revised on October 15, 2003, by the Commission. Covered persons involved in Non-Commission employment prior to the last revised date of this Practice shall have forty-five (45) calendar days in which to obtain approval to continue Non-Commission employment. All other provisions of this Practice shall apply similarly to request for continued or new participation in Non-Commission employment.

Trudye Morgan Johnson, Executive Director

### PURPOSE & BACKGROUND

This Practice was developed in 1976, to set forth policy on Non-Commission employment and to protect the Commission from conflicts of interest arising from participation in Non-Commission employment by employees and Department Heads. The Practice was revised in 1987, to define conflicts of interests, Non-Commission employment activities, Commission property, and to identify Non-Commission employment restrictions and penalties.

The Practice was further revised on October 15, 2003, to clarify restrictions on Non-Commission employment/business and include requirements for employees to receive prior approval for participation in Non-Commission employment activities as defined in this Practice. The revised Practice also distinguishes Non-Commission employment from Non-Commission business activities, includes expanded explanations of Commission property and identifies Non-Commission employment restriction and penalties.

## REFERENCES

- Title 15, Public Ethics, State Government, Annotated Code of Maryland
- Title 10, Public Information Act, State Government Article, Section 10-611
- Merit System Rules and Regulations, “Discipline” and “Work Weeks; Schedules; Attendance”
- Commission Practice, 2-15, “Employee Use of Commission Property”
- Commission Practice, 2-24, “Ethics”
- Commission Practice, 4-10, “Purchasing”
- Commission Practice, 5-71, “Financial Disclosure by Commission Officers, Department Heads, and Certain Other Employees”
- Commission Practice, 5-80, “ Public Information and Records Management”
- Commission Practice, 6-13, “Electronic Communications Policy”
- Administrative Procedures, 99-04, “Time and Attendance”
- Administrative Procedures, “Application and Review of Requests to Participate in Non-Commission Employment”
- Collective Bargaining Agreements for represented Commission employees

## APPLICATION

This Practice applies to all employees including the Park Police, Department Heads, and appointed officers. In the event that any portion of this Practice conflicts with a Collective Bargaining Agreement, the Agreement shall prevail for members of the respective Collective Bargaining unit.

## DEFINITIONS

**Commission Property** is any service or physical asset owned, purchased, leased, or under contract with the Commission. This means any (a) real property, (b) personal property whether tangible or intangible, or (c) rights of the Commission existing under contract. Such property includes, but is not limited to: facilities, general equipment and tools; vehicles and machinery, office equipment and supplies, computer hardware, software, and other electronic equipment; printers and copiers; telecommunication services such as telephones, paging devices, facsimile machines, internet/intranet, and electronic mail; data stored on, received by, or transmitted by the Commission’s operating systems; Commission issued uniforms; and staff services delivered by employees, contractors, or volunteers of the Commission (reference Commission Practices 2-15, “Employee Use of Commission Property” and 6-13, “Electronic Communications Policy”).

**Conflict of Interest** means any of the following:

1. Engaging in, having or acquiring a direct interest in, or having a business association with persons on any matter which may come before the Commission, Planning Boards, appointed officers, employees, Merit System Board, Retirement Board of Trustees, or other boards or appointed committee of the Commission for action, recommendation or decision.
2. Engaging in Non-Commission employment with any person, group, association or other legal entity that does business with the Commission; and/or
3. Engaging in Non-Commission employment while in an on-duty status with the Commission.

**Fiduciary Duty** means a legal obligation that results from a position of trust with respect to a third party's business and assets.

**Non-Commission Business** means Non-Commission activities performed while on duty related to:

1. Personal business
2. Non-Commission employment
3. Third party business; or
4. Work for an association as an employee, representative, or volunteer.

Non-Commission business does not include participation in activities, which relate to the business of the Commission, and which are approved in advance by an appropriate supervisor and Departmental Head.

**Non-Commission Employment** includes the following:

1. Employment or contractual arrangements structured on a salary, fee, or commission basis, or pro bono legal representation;
2. Participation in any business ventures as owner, proprietor, partner or investor;
3. Participation in any business or non-profit entity involving fiduciary responsibilities in a position such as an officer, manager, or director;
4. Participation in any business or non-profit entity in which the participant holds 5% or more of the outstanding voting interests.
5. Other similar activities resulting in or for the purpose of remuneration.

Non-Commission employment excludes service in the military and National Guard.

**On-duty** means the daily period during which an employee is expected to be available to perform duties assigned by the Commission.

## POLICY

The Commission is committed to maintaining a workplace, which is safe, productive, and free of conflicts of interests and unethical practices.

**Non-Commission Business:** as defined, is not permitted.

**Non-Commission Employment:** is permitted only when participation is specifically approved in writing by the employee's Department Head and all of the following conditions are met:

1. Engaging in Non-Commission employment does not cause the existence of, potential for, or the appearance of a conflict of interest with respect to Commission duties assigned to the employee, or with any Commission policy, procedures, activities, and actions.
2. Engaging in Non-Commission employment does not interfere with the performance of Commission duties. The employee's performance prior to engagement in Non-Commission employment must be at a fully satisfactory level.
3. Non-Commission employment does not increase the risk of liability to the Commission during, or from the employee's performance of Commission assigned duties including, but not limited to, increased health and safety concerns.
4. The performance of Non-Commission employment does not diminish, interfere, or detract from, duties due the Commission as the primary employer.
5. Non-Commission employment does not result in the employee, appointed officer, or Departmental Head using the prestige of his/her Commission offices, official title or position for private gain or gain of another.
6. Engaging in Non-Commission employment does not occur while on duty with the Commission (Reference Merit System Rules and Regulations, "Work Week Schedules and Attendance"; and Administrative Procedures 99-04 "Time and Attendance").
7. Non-Commission employment does not result in coercing other Commission employees, to buy or use products or services sold or offered as part of their Non-Commission employment.
8. Non-Commission employment does not result in working for a person(s) or entities owned by a person(s) they supervise or who supervise them at the Commission or being employed by any business subject to the authority of the Commission or doing business with the Commission (Reference Commission Practice, 4-10, "Purchasing").
9. Confidential information gained through Commission employment is not used for financial gain or for any use other than Commission employment (Reference Commission Practice, 5-80, "Public Information and Record Management").
10. Non-Commission employment does not result in the acceptance or solicitation of referrals for any Non-Commission employment while on duty.

11. Non-Commission employment does not result in the unauthorized use of Commission property (Reference Commission Practice 2-15, “Employee Use of Commission Property”, and 6-13, “Electronic Communications Policy”).
12. Notwithstanding any other provision of this Practice, no person employed by the Commission as an attorney may be permitted to provide any legal services to a person or entity other than the Commission with the exception that an attorney may be permitted to perform (a) de minimus legal services for family members, (b) pro bono legal services or (c) de minimus services engaged prior to the attorney’s employment by the Commission, subject to the prior written approval granted at the discretion of the General Counsel. For purposes of this provision, “family members” are defined as spouses, children, parents, grandparents, or grandchildren.

Approval for participation by Department Heads and appointed officers must be obtained from the Commission’s Chair and Vice Chair.

The Commission retains the right to deny, rescind, revoke or modify approval of participation in Non-Commission employment if the employment violates any of the above conditions.

## **RESPONSIBILITIES**

This section establishes requirements related to the review of requests and approval of participation in Non-Commission employment. (Also see, accompanying Administrative Procedures).

**All Persons Covered by this Practice** are responsible for submitting requests for consideration and approval at least fourteen (14) calendar days before engaging in Non-Commission employment. Changes to previously approved Non-Commission employment activities must also be submitted for approval.

- Employee requests must be reviewed by the supervisor and the Department Head. Decision for approval or disapproval of employee requests must be issued by the Department Head.
- Requests by Department Heads and appointed officers must be reviewed and approved by the Commission Chair and Vice-Chair.

If individuals engage in previously approved Non-Commission employment that impairs their ability to perform Commission duties, they may be directed to modify or cease participation in such activities while employed at the Commission.

**Supervisors** are responsible for providing procedural assistance to employees who are requesting approval for participation in Non-Commission employment. Supervisors must review all employee requests and forward recommendations to the Department Head within seven (7) calendar days of receiving the request.

**Department Heads** are responsible for reviewing employee requests for participation in Non-Commission employment. Related responsibilities include:

1. Communicating this Practice and directing employees to submit written requests to participate in Non-Commission employment.
2. Determining, once they have sufficient information, whether an employee may participate in Non-Commission employment. Department Heads must review the employee's request along with recommendations made by the employee's supervisor. Department must issue a written decision within seven (7) calendar days of receipt of the employee's request in the Department Head's office. If a Department Head does not deny the employee's request within seven (7) calendar days of being received in his/her office, then the request shall be considered approved. Review of requests shall be handled in accordance with Administrative Procedures, Application and Review of Requests to Participate in Non-Commission Employment.

**VIOLATIONS  
OF POLICY**

Violations of any provision of this Practice including but not limited to, failure to request and receive prior approval for involvement in Non-Commission employment or to take directed action in activities which are prohibited or regarded as-conflicts of interest, are subject to disciplinary action, up to and including, termination of employment. Disciplinary actions shall be handled in accordance with the Merit System Rules and Regulations, applicable Collective Bargaining Agreements, and Commission Practice 2-16, "Seasonal/Intermittent, Temporary, and Term Employment" shall be followed for actions affecting contract employees.

**PROCEDURES**

The Executive Director shall issue Administrative Procedures for implementation of this Practice.



# ADMINISTRATIVE PROCEDURES

Authorized by:

No. 03-05

Trudye Morgan Johnson,  
Executive Director

Original issue: 10/15/2003

Last amended:

Last reviewed: 05/04/2016  
without modification

## NON-COMMISSION EMPLOYMENT AND NON-COMMISSION BUSINESS

These Procedures accompany Practice 2-14, Non-Commission Employment and Non-Commission Business. Practice 2-14, as revised October 15, 2003, requires that all covered employees, appointed officers, and Department Heads receive prior approval before engaging in non-Commission employment and non-Commission Business. These Administrative Procedures provide guidance on the application, review, and approval of requests.

1. All persons covered by this Practice must request and receive approval to participate in non-Commission employment activities prior to commencement of such activities. Requests must be submitted at least fourteen (14) calendar days in advance using attached Form A-1, Request to Participate in Non-Commission Employment.
  - a. Employee name, position title, and description of job duties assigned in the Commission;
  - b. Name of non-Commission employer for whom secondary employment is being considered;
  - c. Address at which non-Commission employment is to be performed;
  - d. The schedule (days and work hours) during which non-Commission employment will be conducted, including commencement date;
  - e. A description of non-Commission employment duties; and
  - f. Reason(s) why this Practice will not be violated.
2. Employees must submit completed forms to their supervisor. Department Heads and appointed officers must forward completed forms to the Commission Chair and Vice-Chair.
3. Supervisors shall review requests and provide the Department Head with recommendations for approval or denial of the request. If there is a recommendation to deny an employee's request, the supervisor must include reasons for the denial.

Recommendations must be forwarded to the Department Head within seven (7) calendar days of receiving the written request from the employee. If a supervisor does not forward the response within seven (7) calendar days, the employee may then forward his/her request to the Department Head.

4. The Department Head (or designee) shall review all employee requests along with any recommendations made by supervisors.

The Department Head's decision must be provided in writing to the employee within seven (7) calendar days of receiving the request in his/her office. If a Department Head does not deny the employee's request within seven (7) calendar days of being received in his/her office, then the request shall be considered approved.

5. A copy of the Department's Heads decision with an explanation for approval or denial in shall be forwarded to the Executive Director.
6. An employee, who disagrees with the decision of his/her Department Head, may request review of the decision by the Executive Director. The employee shall forward his/her written request for non-Commission employment (Form A-1) along with the Department Head's written decision. The Executive Director shall issue a decision within (7) calendar days from receipt of the request for review. In all cases, the Executive Director's decision shall be final.
7. Approvals are only for the non-Commission employment involvement as stated in the request.

If any information provided in the original request changes during involvement in non-Commission employment, the employee must provide his/her supervisor written notice within three (3) workdays of the change.

8. Any approval may be suspended or rescinded orally should a conflict of interest arise during the employee's engagement in the non-Commission employment. Such suspensions shall require the reviewing authority to provide written notice confirming the action within seven (7) calendar days of the oral action.
9. Employees who engage in non-Commission employment either prior to receiving approval, or after a request to participate has been denied or revoked, may be disciplined up to, and including termination of employment.



REQUEST TO PARTICIPATE IN NON-COMMISSION EMPLOYMENT

In compliance with Administrative Practice 2-14 Non-Commission Employment and Non-Commission Business, I am providing notification of my non-Commission (secondary) employment.

(Type or Print)

EMPLOYMENT STATUS:

- My current employment status with the Commission is:  
 Probationary Merit System     Career Merit System     Contract
- As a Career Merit System employee (if applicable), I am a member of the following:  
 Career (Non-Union)     Career MCGEO\*     Career FOP\*
- I am currently employed in the following type of position:  
 Full Time     Part Time
- Employee Name \_\_\_\_\_
- Position Title \_\_\_\_\_
- M-NCPPC work location \_\_\_\_\_
- Division \_\_\_\_\_ Department \_\_\_\_\_
- Supervisor's name \_\_\_\_\_
- Description of job duties \_\_\_\_\_  
\_\_\_\_\_
- Commission Work schedule Hours: \_\_\_\_\_ Days: \_\_\_\_\_

NON-COMMISSION EMPLOYMENT INFORMATION:

- Name of Non-Commission Employer or self-employed business title:  
\_\_\_\_\_
  - Phone ( ) \_\_\_\_\_ Non-Commission Employment Commencement Date \_\_\_\_\_
  - Address \_\_\_\_\_
  - Work Schedule    Hours: \_\_\_\_\_ Days: \_\_\_\_\_
  - Description of Non-Commission employment duties: \_\_\_\_\_  
\_\_\_\_\_
- (Use separate sheet if necessary)*
- Does the secondary employer do business with the Commission or have input with respect to decision-making within the Commission? \_\_\_\_\_  
If so, please specify \_\_\_\_\_  
\_\_\_\_\_

REQUEST TO PARTICIPATE IN NON-COMMISSION EMPLOYMENT

FORM A-1

NON-COMMISSION EMPLOYMENT INFORMATION (Continued):

- Does the secondary employment involve use of Commission Equipment/Property (refer to Administrative Practice 2-15 Employee Use Of Commission Property)? \_\_\_\_\_  
If so, please list any Commission equipment/property, which will be needed in the course of secondary employment activities? \_\_\_\_\_  
\_\_\_\_\_
- Explain the reason(s) why this Practice will not be violated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**\*\*\*\*SUBMIT THIS FORM TO YOUR IMMEDIATE SUPERVISOR\*\*\*\***

Your supervisor may contact you for further information. Should your Non-Commission employment cease or change, you must update this form IMMEDIATELY.

\*Career MCGEO and FOP members should refer to Collective Bargaining Agreement for additional notification requirements

**SUPERVISOR/DIVISION CHIEF RECOMMENDATION**

Date received: \_\_\_\_\_  
\_\_\_\_ Recommend Approval  
\_\_\_\_ Recommend Denial

Reason for recommending approval or denial:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Supervisor/Division Chief

**\*\*\*\*Supervisor/Division Chief should then forward to Department Head\*\*\*\***

\_\_\_\_\_  
Date

**DEPARTMENT HEAD**

Date received: \_\_\_\_\_  
\_\_\_\_ Approve  
\_\_\_\_ Deny

Explanation of approval or denial:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Department Head

**\*\*\*\*Department Head should then forward to Executive Director\*\*\*\***

\_\_\_\_\_  
Date

A copy of the Department Head's decision with an explanation for approval or denial shall be forwarded to the Executive Director. An employee, who disagrees with the decision of his/her Department Head, may request review of the decision by the Executive Director by forwarding this form along with the Department Head's written decision. In all cases, the Executive Director's decision shall be final.