

**Regulation of Outside Employment and Self-Employment of
City Officers and Employees**

WHEREAS, the citizens of Philadelphia deserve City officers and employees who conduct the City's core services effectively and efficiently and provide exemplary customer service for the residents, businesses and visitors of Philadelphia; and

WHEREAS, individual City officers and employees may wish to engage in outside employment or self-employment during the hours they are not performing their City jobs; and

WHEREAS, Civil Service Regulation 33.02 permits City officers and employees covered by Civil Service to engage in outside employment or self-employment as long as such employment will not adversely affect their job performance for the City or otherwise conflict with the City's interests; and

WHEREAS, Non-Civil Service officers and employees are also permitted to engage in outside employment or self-employment as long as such employment does not adversely affect their job performance for the City or otherwise conflict with the City's interests;

NOW, THEREFORE, I, JAMES F. KENNEY, Mayor of the City of Philadelphia, by the powers vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

SECTION 1. Definitions

For purposes of this Executive Order, the following definitions shall apply:

a) *Chief Integrity Officer*. A position in the Office of the Mayor created to promote honesty, integrity, transparency and accountability throughout the Executive and Administrative Branch in the day-to-day operations of City government. The duties of the Chief Integrity Officer are set forth in Executive Order 2-16.

b) *Inspector General*. An independent office within the Executive and Administrative Branch created to investigate and resolve instances or patterns of fraud, waste, corruption or abuse of office related to the operations of City government or those who transact business with the City or receive financial benefits from the City. The duties of the Inspector General are set forth in Executive Order 7-14.

c) *Integrityworks*. The official website of the Office of the Chief Integrity Officer.

d) *Officer or Employee.* For purposes of this Executive Order only, officer or employee refers to the Mayor of the City or any individual appointed to a salaried position in a City department, agency or office within the Executive and Administrative Branch. It does not include members of boards or commissions, or regular part-time employees.

e) *Outside Employment.* Any form of non-City employment or business relationship for which a City officer or employee is compensated, including, but not limited to, service as an officer, director, employee, agent, advisor, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person or entity for production or publication of the written product. The definition does not include positions as trustee for a family trust for which the only beneficiaries are the employee, the employee's spouse or life partner, the employee's minor or dependent children, or any combination thereof.

f) *Self-Employment.* A form of non-City employment where an individual is engaged in a trade or business as a sole proprietor or an independent contractor.

SECTION 2. Restrictions on Engaging in Outside Employment or Self-Employment

a) City officers and employees may engage in outside employment or self-employment that is compatible with the proper discharge of their official duties and as long as such employment does not:

1) Bring disfavor or disrespect upon the officer or employee; the City; or the department, agency or office in which the officer or employee works, in accordance with the judgment of the appointing authority of his or her department, agency or office.

2) Impede, or adversely affect, the performance or proper discharge of the officer's or employee's official duties.

3) Take place during the time the officer or employee is being paid for or is conducting City work; in City uniform, or while wearing a badge or other insignia that identifies him or her as a City officer or employee; using any City-owned or leased resources, such as telephones, Blackberries, vehicles, printers, computers, or other supplies or equipment.

b) City officers or employees may not perform outside employment or self-employment while receiving sick leave or injury benefits from the City. An officer or employee who is injured, disabled or becomes ill as a result of his or her outside employment or self-

employment shall not be given paid sick leave or injury benefits by the City.

c) Consistent with and except as otherwise provided in the Philadelphia Home Rule Charter, City officers or employees, and regular part-time employees, shall not hold any other office or position of profit in or under the government of the United States, of the Commonwealth of Pennsylvania, or of any county, city or other political subdivision thereof.

SECTION 3. Process for Seeking to Engage in Outside Employment or Self-Employment

a) A City officer or employee who wishes to engage in outside employment or self-employment must complete a "Request to Engage in Outside Employment or Self-Employment" form ("Form"), which is available from his or her Human Resources Manager, or any other such employee designated by the department, agency, or office to handle Human Resources matters ("Designee"), prior to beginning his or her outside employment or self-employment or, in the case of new officers or employees, at the time of their appointment to their City position.

b) Completed Forms must be submitted to the City officer's or employee's Human Resources Manager, or Designee. An officer or employee who transfers to another City department, agency or office must resubmit the "Form" to the Human Resources Manager, or Designee, in his or her new department, agency or office.

c) If a City officer's or employee's outside employment or self-employment changes (e.g., the employee seeks employment by a different outside entity), the officer or employee must submit a new Form to his or her Human Resources Manager or Designee at least 14 days prior to this proposed change.

d) A City officer or employee who is no longer engaging in the outside employment or self-employment for which he or she has been approved must notify his or her Human Resources Manager or Designee in writing within 14 days after this change.

e) Requests to engage in outside employment or self-employment must be reviewed and approved first by the City officer's or employee's supervisor, with final review and approval by the officer's or employee's appointing authority or any such person designated by the appointing authority to act on his or her behalf. No requests shall be approved if prohibited under Section 2 of this Executive Order.

f) Once a determination is made regarding a City officer's or employee's request to engage in outside employment or self-employment, the completed Form shall be forwarded by

his or her Human Resources Manager or Designee to the Executive Assistant in the Office of Human Resources to be maintained in the officer's or employee's personnel file.

g) The Human Resources Manager or Designee within each department, agency or office shall maintain a list of all City officers or employees within the department, agency or office whose requests for outside employment or self-employment have been approved or rejected.

h) The Office of Human Resources will prepare a list of employees who have reported outside employment or self-employment during the year and distribute this list annually to the appropriate Human Resources Managers or Designees of any City departments, agencies or offices.

i) The Human Resources Managers or Designees in all City departments, agencies and offices shall review the list of all City officers and employees with outside employment or self-employment within their respective department, agency or office by December 15 of each calendar year. Any changes made to an officer's or employee's department, status, outside employment or self-employment within the calendar year must be reflected.

j) Updated lists of all City officers and employees who, at any point during the calendar year, have been (i) approved for and hold outside employment and self-employment, or (ii) rejected for outside employment or self-employment shall be forwarded to the Executive Assistant for the Office of Human Resources no later than January 15 of the next calendar year.

k) The Director of Human Resources shall transmit a composite report to the Mayor and to the Philadelphia Board of Ethics that includes all City officers and employees who, during the prior calendar year, have been (i) approved for and hold outside employment and self-employment, or (ii) rejected for outside employment or self-employment no later than January 31 of each calendar year.

SECTION 4. Process for Appealing Rejection of Request for Outside Employment or Self-Employment

A City officer or employee whose request for outside employment or self-employment has been rejected may appeal this decision to his or her appointing authority. Officers or employees who intend to appeal should notify their Human Resources Manager, or Designee, before their Forms are forwarded to the Office of Human Resources, as provided in Section 3(f).

SECTION 5. Penalties

Failure to comply with this Executive Order by any City officer or employee, or to comply with additional policies adopted by individual departments, offices or agencies pursuant to Section 6.c of this Executive Order, shall be considered grounds for dismissal or other disciplinary action, and for recovery of wages or benefits paid by the City.

SECTION 6. Advice and Guidance under Executive Order

a) The interpretation of this Executive Order, and advice on compliance with its provisions, shall be given by the Office of the Chief Integrity Officer, in consultation with the Director of Human Resources. Referrals shall be made to the Philadelphia Board of Ethics or the Office of the Inspector General, as appropriate.

b) Notwithstanding anything to the contrary in this Executive Order, the Chief Integrity Officer, in consultation with the Director of Human Resources, shall have the authority to issue waivers or restrictions, if requested in advance of an engagement in outside employment or self-employment and if, in his/her judgment, such waiver or restriction would not be inconsistent with the efficient, accountable and transparent operation of government.

c) Individual City departments, agencies or offices may adopt stricter policies governing the requirements, conditions and necessary approvals for outside employment or self-employment by their officers and employees to strengthen the integrity of the mission of their department, agency or office. Such policies must be consistent with this Executive Order, and must be made known to covered officers and employees. Any department, agency or office that adopts its own policies should provide a copy of such policies to the Office of the Chief Integrity Officer and the Office of Human Resources.

SECTION 7. Conformance with Other Laws

a) Nothing in this Executive Order shall be deemed to authorize a City officer or employee to engage in outside employment or self-employment in violation of any other applicable federal, state, or local law or regulation, including but not limited to laws and regulations governing conflicts of interest and other ethics concerns.

b) A City officer or employee authorized to engage in outside employment or self-employment is obligated to report outside sources of income on any required annual financial disclosure statements he or she is required to file.

SECTION 8. Dissemination of Executive Order

This Executive Order shall be distributed to all current City officers and employees of the Executive and Administrative Branch, and to all newly appointed officers and employees upon their appointment. Guidance on the Executive Order shall be included in any training sessions provided by the Office of the Chief Integrity Officer, and included on *IntegrityWorks*.

SECTION 9. Repeals

Executive Order 2-11 is hereby rescinded.

SECTION 10. Effective Date

This Executive Order shall take effect immediately.

12/7/16
Date:

James F. Kenney
James F. Kenney, Mayor