

**SUBJECT  
DUAL AND SECONDARY  
EMPLOYMENT**

**POLICY NUMBER  
5.03**



**POLICY MAINTENANCE ADMINISTRATOR:** Chief, Bureau of Personnel Services

**PURPOSE/SCOPE:** To establish policy relating to member requests for dual and secondary employment for which the department employee would receive compensation.

## **I. AUTHORITY**

Section 110.1055, Florida Statutes, Rules and rulemaking authority.

Section 110.131, Florida Statutes, Other-personal-services employment.

Section 110.201, Florida Statutes, Personnel rules, records and reports.

Section 110.2035, Florida Statutes, Classification and compensation program.

Section 110.219, Florida Statutes, Attendance and leave; general policies.

Section 110.605, Florida Statutes, Powers and duties; personnel rules, records, reports and performance appraisal.

Section 112.312, Florida Statutes, Definitions.

Section 112.313, Florida Statutes, Standards of conduct for public officers, employees of agencies, and local government attorneys.

Section 112.316, Florida Statutes, Construction.

Section 112.317, Florida Statutes, Penalties.

Section 216.262, Florida Statutes, Authorized positions.

Chapter 60L-32.003, Florida Administrative Code, Dual Employment and Dual Compensation.

Governor's Executive Order 11-3 and Code of Ethics, Effective January 4, 2011

## **II. RELATED POLICIES**

MP 3.04, Candidate For or Appointment To Public Office

MP 3.06, Disciplinary Process

MP 3.08, Ethics and Personal Responsibility

FHP 5.08, Off-Duty Employment

<b>Executive Director</b> SIGNED ORIGINAL ON FILE	<b>Effective Date</b> 04/15/1984
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FHP 5.10, Escorts

### III. DEFINITIONS

- A. Chief Ethics Officer – The General Counsel is designated as the department’s Chief Ethics Officer.
- B. Compensation – stream of income in the form of salary, wages, commission, goods, services, or any combination thereof for work performed or services provided by a department employee.
- C. Conflict or Conflict of Interest – Situation in which regard for a private interest may interfere with a public duty or interest, as specified in section 112.312(8), Florida Statutes.
- D. Department – Florida Department of Highway Safety and Motor Vehicles; hereinafter referred to as the “department”.
- E. Dual Employment and Compensation – Employment in a total of more than one full-time equivalent (FTE) established position with simultaneous compensation from any state appropriation category other than from salaries, and/or simultaneous compensation from more than one “state agency”.
- F. Excluded Position – Position whose duties and responsibilities are exempt from the paid overtime provisions of the Federal Fair Labor Standards Act (FLSA).
- G. Fair Labor Standards Act (FLSA) – Federal wage and hour law requiring compensation practices including minimum wage standards, overtime pay standards and child labor restrictions.
- H. Included Position – Position whose duties and responsibilities are subject to compliance with the overtime provisions of the FLSA related to compensation at the rate of time and a half for hours physically worked in excess of an established work period.
- I. Relative – Individual who is related to a department employee. This includes: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step great grandchild, person who is engaged to be married to a department employee or who otherwise holds oneself out as, or is generally known as, the person with whom a department employee intends to form a household, or any other natural person having the same legal residence as a department employee.

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- J. Secondary Employment and Compensation – Rendering of services by a department employee to any employer (including self-employment) other than the state of Florida and for which the department employee receives compensation.
- K. State Agency – Any official, officer, commission, board, authority, council, committee or department of the executive branch or the judicial branch of state government, which includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Florida Clerks of Courts Operations Corporation, the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission, as provided in section 216.011(1)(qq), Florida Statutes. For the purposes of this Procedures document, “agency” refers to state of Florida government entities other than the Florida Department of Highway Safety and Motor Vehicles.
- L. State Personnel System (SPS) – Employment system comprised positions within the career service, selected exempt service, or senior management service, and within all agencies except those in the State University System, the Florida Lottery, the Florida Legislature, the Justice Administrative Commission or the State Courts System.

#### IV. POLICY

Members who seek dual or secondary employment opportunities must receive prior approval on an annual basis from the Bureau of Personnel Services (BPS), who will consult with the General Counsel’s Office if a potential conflict of interest is perceived. No member is authorized to accept dual or secondary employment that may result in a conflict of interest as specified by section 112.312 (8), Florida Statutes. Approval for dual or secondary employment may be terminated at any time a conflict of interest is found to exist, if the dual or secondary employment interferes with a member’s primary duties and responsibilities with the department, or if department policy or procedure is violated.

#### V. ROLES AND RESPONSIBILITIES

- A. Department members must request and receive approval for dual employment and compensation and/or secondary employment.
  - 1. Dual employment and compensation must be approved every fiscal year.
  - 2. Secondary employment must be approved every fiscal year.
  - 3. Members are responsible for reporting any changes to dual or secondary employment to their chain-of-command immediately, including location, work hours , responsibilities, reassignment, promotion, demotion, appointment to a different position, etc.

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B. All sworn members will also comply with Florida Highway Patrol Policy 5.08, Off-Duty Employment and Florida Highway Patrol Policy 5.10, Escorts, when engaging in secondary employment.

**VI. PROCEDURES**

For guidance in requesting approval for dual employment and secondary employment outside of state government, please review the Procedures for Dual and Secondary Employment manual.