

EXECUTIVE ORDER NO. 2-11

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

WHEREAS, All citizens of the City have a right to satisfactory or better job performance by City officers and employees; and

WHEREAS, The administration recognizes that individual City officers and employees may wish to engage in outside employment or self-employment outside of their City employment; and

WHEREAS, Civil Service Regulation 33.02 permits City employees covered by Civil Service to engage in outside employment under conditions ensuring that a City employee's outside employment or self-employment will not adversely affect his or her job performance for the City or otherwise conflict with the City's interests; and

WHEREAS, all members of the City's Executive and Administrative branch who wish to engage in outside employment or self-employment should do so in a manner that does not adversely affect their job performances for the City or otherwise conflict with the City's interests; now, therefore,

I, Michael A. Nutter, by the power vested in me as Mayor of the City of Philadelphia, do hereby order as follows:

1. Outside Employment

Officers and employees in the Executive and Administrative branch may engage in outside employment or self-employment only under the following conditions:

a. No officer or employee shall engage in outside employment or self-employment that is incompatible with the proper discharge of his or her official duties. Specifically, the outside employment or self-employment must not:

i. bring disfavor or disrespect upon the employee or officer, the department or the City, in accordance with the judgment of the responsible authority of the respective Office, Board or Commission involved;

ii. impede, or adversely affect the performance of, the employee or officer;

iii. make use of any City resources, including but not limited to vehicles, telephones, computers, office space, equipment, or supplies;

iv. occur during the time the City officer or employee is being paid for or is conducting City work.

b. Any City officer or employee who wishes to engage in outside employment or self-employment must secure the prior written approval to do so from his or her appointing authority or a designee of the appointing authority. The application for such approval shall include the name of the outside employer and a detailed description of the proposed outside employment. Failure to obtain such prior approval may result in disciplinary action or a recovery of payment action by the City.

c. Departments may adopt and enforce additional policies governing outside employment or self-employment particular to their own missions, which may include the requirements, conditions and necessary approval for outside jobs or self-employment. Such policies must be consistent with this Executive Order, and must be made known to all employees covered. Failure on the part of the employee to comply with such departmental policies may result in disciplinary or recovery of payment action.

d. Consistent with and except as otherwise provided in the City Charter, no City officer or employee shall 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.

e. A City officer or employee shall not perform outside work while receiving sick leave or injury benefits from the City. An 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.

f. All City offices, departments and commissions shall report the outside employment and self-employment of its City officers and employees to the City's Department of Human Resources within two weeks of approval. The Department of Human Resources shall report to the Mayor all outside and self-employment for each calendar year by January 31 of the following calendar year.

2. Penalties

Failure to comply with this Executive Order by any City officer or employee shall be considered grounds for dismissal, or other disciplinary action, and for recovery of wages or benefits paid by the City in violation of this Executive Order.

3. Conformance with Other Laws

Nothing in this Order shall be deemed to authorize an officer or employee to engage in outside 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.

4. **Effective Date**

This Order shall take effect immediately.

Date: 1/25/11



Michael A. Nutter, Mayor