



DEPARTMENT OF THE NAVY
COMMANDER TRAINING AIR WING SIX
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PENSACOLA, FLORIDA 32508-5509

COMTRAWINGSIXINST 5370.2D
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21 Jun 16

COMTRAWING SIX INSTRUCTION 5370.2D

From: Commander, Training Air Wing SIX

Subj: BUSINESS ACTIVITY/COMPENSATED OUTSIDE EMPLOYMENT OF MILITARY MEMBERS ON ACTIVE DUTY

Ref: (a) MILPERSMAN 5370-010
(b) DOD 5500.7-R (JER)

1. Purpose. To establish policy regarding business activity or compensated outside employment of military personnel on active duty while on leave or liberty and to detail local procedures established to effect necessary controls.

2. Cancellation. COMTRAWINGSIXINST 5370.2C

3. Policy. Military personnel on active duty are in a 24-hour duty status and are subject to recall at any time. Military duties shall at all times take precedence over off-duty business activity or compensated outside employment. Subject to the limitations set forth herein, in general, military personnel, whether officer or enlisted, should not be restrained from engaging in legitimate and ethical enterprises or employment during off-duty hours provided the provisions of references (a) and (b) are complied with and that:

a. The business activity or compensated outside employment is voluntary on the part of the member.

b. The hours or nature of work do not interfere with the proper and efficient performance of their military duties.

c. The business activity or compensated outside employment reflects no discredit on the Naval service.

d. Business activity or compensated outside employment is not unethical in view of the possible exercise of influence over the military position.

e. The business activity or compensated outside employment does not involve the solicitation of life insurance, mutual funds and other investment plans, commodities for service of any U. S. Government installation with or without compensation.

4. Prohibitions

a. Military personnel attached to Training Air Wing SIX on active duty are prohibited from engaging in commercial solicitation and sale to military members who are junior in grade, rank or position. This prohibition is applicable to activities on or off base, in and out of uniform, while on or off duty, and includes but is not limited to, the personal solicitation and sale of life or automobile insurance, stocks, mutual funds, real estate and other commodities, goods or services. As used in this paragraph, "commercial solicitation" refers to those situations where a military member is involved in a business activity or employed as a sales agent on commission or salary and contacts prospective purchasers, suggesting they buy the commodity, real or intangible, that is offered for sale. This prohibition is not applicable to the one time sale of personal property or a privately owned dwelling. Additionally, commercial sales solicited and made in a retail establishment during off-duty employment are not prohibited. The intent of this policy is not to discourage off-duty business activity or compensated outside employment of military members, but to eliminate instances where it would appear that coercion, intimidation or pressure is used based on rank, grade or position.

b. Off-duty business activity or compensated outside employment of military personnel by an organization involved in a strike is permissible if the member was on the payroll of the organization prior to the commencement of the strike and if the employment is otherwise in conformance with the provisions of this instruction. However, after such a strike begins, and while it continues, no military personnel may accept employment by that organization at the strike location. Members who are engaged in an off-duty civilian employment which does not meet the above policy will be required to terminate the employment.

c. Active duty officers of the Navy, including those on terminal leave, shall not be employed by any person or organization furnishing naval supplies or war materials to the United States. If such an officer is so employed, member is not entitled to payment from the United States for the duration of that employment.

5. Action

a. Military personnel attached to Training Air Wing SIX contemplating business activity or compensated outside employment will submit a Special Request Chit, NAVPERS 1336/3, in duplicate to Commander, Training Air Wing SIX, via their chain of command. The original should be returned to the individual concerned while the department concerned shall retain a copy during the duration of the member's employment.

b. Department Heads and Division Officers shall review shall review all off-duty business activity or compensated outside employment request for personnel under their cognizance to ensure compliance with references (a) and (b) and this instruction.

- c. Commanding Officers reporting to Commander, Training Air Wing SIX will promulgate guidance for the conduct of business activity/compensated outside employment of military members on active duty for their respective commands, using this instruction as a guide.
6. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy Manual 5210.1 of January 2012.
7. Review and Effective Date. Per OPNAVINST 5215.17A, the Administrative Officer will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instructions. This instruction will automatically expire five years after effective date unless reissued or canceled prior to the five-year anniversary date, or an extension has been granted.



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