



DEPARTMENT OF THE NAVY

U.S. NAVAL AIR FACILITY  
ATSUGI, JAPAN  
FPO AP 96306-1209

NAFATSUGIINST 5800.2B

N00J

MAR 1 1 2013

NAF ATSUGI INSTRUCTION 5800.2B

Subj: PRIVATE EMPLOYMENT OF UNITED STATES FORCES PERSONNEL AND  
SOFA SPONSORED PERSONNEL IN JAPAN

Ref: (a) USFJ INSTRUCTION 36-1001 2 August 2010  
(b) COMNAVFORJAPANINST 5300.2L  
(c) DoD 5500.7R

Encl: (1) Application for Permission to Engage in Private  
Employment (NAF Form 5800/2 (rev 10-12))

1. Purpose. To promulgate procedures for U.S. Forces personnel onboard NAF Atsugi to request permission to engage in private employment in Japan.
2. Cancellation. NAFATSUGIINST 5800.2A.
3. Scope. Applicable to personnel under control of Commander, Naval Air Facility Atsugi including, but not limited to, the U.S. Armed Forces, U.S. civilian components, U.S. contractors, and Status of Forces Agreement (SOFA) sponsored family members. This instruction is punitive and personnel who violate it are subject to the full range of available administrative and disciplinary procedures including, but not limited to, punishment under Uniform Code of Military Justice, referral to Civilian Administrative Forum hearing process and debarment from NAF Atsugi.
4. Policy. Reference (a) establishes policy and procedures for U.S. Forces personnel engaging in private employment in Japan. Reference (b) designates NAF Atsugi as a local area coordinator to ensure strict compliance in enforced. Reference (c) from the Department of Defense Joint Ethics Regulation provides instruction that personnel must comply with in regards to seeking other employment. Personnel who engage in private employment in the Japanese economy will acknowledge and abide by the following policy requirements:

- a. Personnel will not engage in employment that interferes with or is incompatible with the performance of official duties. Off-duty employment by U.S. military and U.S. civilian component personnel is subject to the restrictions imposed by the Ethics

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Reform Act of 1989 and reference (c) regarding acceptance of honoraria and service regulations.

b. Personnel will not engage in employment that is detrimental to the best interests of the United States, which would be contrary to the high standards of conduct required of U.S. Forces personnel, or will injure the dignity and stature of the United States.

c. Personnel will not engage in employment that is directly or indirectly connected with prostitution, pornography, gambling, the manufacturing or trafficking of weapons, drugs, persons, other black market commodities, or any other commodity or service that may violate the United States or Japanese laws or otherwise bring discredit upon the United States or U.S. Forces personnel.

d. Personnel may not engage in the operation or management or take employment in any bar, liquor store, nightclub, or other establishments in which the sale of service of alcoholic beverages is the exclusive or primary activity, or any establishments that are known or suspected to be associated with organized crime or know subversive or terrorist groups. This prohibition includes, but is not limited to, performing services as a bartender, waiter, waitress, hostess, manager, bouncer, security guard, disk jockey, band member, or custodian. This prohibition does not extend to eating facilities in which alcohol is served merely as an accompaniment to food service.

e. Personnel will not appear on or in television and radio programs, commercial advertisements, stage plays or motion pictures, make recordings, or engage in other public entertainment without the specific prior approval of their commander. Such approval must be obtained by completing a notification of intent in accordance with procedures described in reference (a). Further, U.S. Forces personnel will not engage in any activity before the Japanese public that could be perceived as lewd, unprofessional or offensive, or is otherwise calculated to appeal to the lascivious instincts of the audience, or if such activity is considered offensive to the public. This prohibition includes any activity that reflects unfavorably on the U.S. military or on the U.S. - Japan Security Alliance.

f. Personnel engaged in authorized outside employment will not wear any U.S. military uniform items, insignia, or any clothing or devices that could be reasonably be construed as U.S. Military uniform items or insignia, and will not make reference

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to their service affiliation, rank, or organization in any manner whatsoever.

g. Personnel may not make use of any United States Government materials, facilities, services, or activities on or off United States installations to support private employment.

#### 5. Procedures

a. U.S. Armed Forces personnel, U.S. civilian components, U.S. contractors, and Status of Forces Agreement (SOFA) sponsored family members who desire to engage in private employment in Japan shall submit an application for permission to engage in private employment (enclosure(1)) to NAF Atsugi Office of the Staff Judge Advocate (SJA), with an endorsement from the sponsor's command. The application must describe in detail the nature, scope period of time, and specific location of the proposed employment no later than seven days prior to commencing the stated employment. Teaching English is not subject to this requirement.

b. NAF Atsugi Office of the SJA will review each application for compliance with references (a) through (c).

c. Each applicant will be informed whether or not the request is approved. If disapproved, the applicant will be advised of the specific reason(s) for disapproval.

d. Personnel submitting applications will be informed of the following:

(1) Applications will be evaluated based strictly on their meeting of the spirit and letter of applicable United States and Japanese laws, pertinent service regulations, including the policy set forth in reference (a) and this instruction.

(2) Compliance with the provisions of this instruction is not a license to engage in the activity, nor an official sanction of the activity.

(3) In the case of military personnel and civilian employees, any injury, disease, or death caused by engaging in such employment may result in a determination of having occurred not in the line of duty.

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(4) Applicants are subject to all applicable Japanese laws and regulations.

(5) Applicants are strictly prohibited from allowing non-Status of Forces Agreement (SOFA) sponsored guests to remain in military family housing overnight as part of their private employment.

(6) Applicants shall carefully observe the provisions of Article XVI of the SOFA, and are responsible for the prompt payment of Japanese taxes on all income derived from private employment in Japan.

(7) NAF Atsugi Office of the SJA and the sponsor's command shall be notified of a change in the nature or termination of employment. A new application will be required for a change in employment.

(8) NAF Atsugi will take disciplinary and/or administrative action in cases of non-compliance with this instruction.

  
S. J. WIEMAN

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(To be completed by sponsor on behalf of applicant and routed through sponsor's chain of command)		
		DATE:
From: (Sponsor)	RANK/GRADE/TITLE	FULL NAME/COMMAND
	For: (Applicants Name)	
	Contact Information (Complete mailing address, email address and phone number)	
To:	Commanding Officer, Naval Air Facility, Atsugi (Attn: SJA, N00J)	
Via:	(Applicant's/Sponsor's Command)	
Subj:	APPLICATION FOR PERMISSION TO ENGAGE IN PRIVATE EMPLOYMENT IN THE JAPANESE ECONOMY	
Ref:	(a) USFJ Policy Instruction 36-1001 (series) (b) COMNAVFORJAPANINST 5300.2L (c) NAFATSUGIINST 5800.2B (d) DoD 5500.7-R	

## 1. Information regarding prospective employment:

Position:	Employer:
Employer's Address:	Period of time covered by request:
Detailed description of the nature of the proposed private employment:	

## 2. I acknowledge that I have been informed of the following:

Initial:	(1) Applicants will be evaluated based strictly on their meeting the spirit and letter of applicable United States and Japanese laws, as well as pertinent service regulations, including the policy set forth in reference (a) and this instruction.
	(2) Compliance with the provisions of this instruction is not a license to engage in the activity, nor an official sanction of the activity.
	(3) In the case of military personnel and civilian employees, any injury, disease or death caused by engaging in such activity may result in a determination of having occurred not in the line of duty.
	(4) Applicants are subject to all applicable Japanese laws and regulations.
	(5) Applicants shall carefully observe the provisions of Article XVI of the Status of Forces Agreement, and are responsible for the prompt payment of Japanese taxes on all income derive from commercial activity or private employment in the Japanese economy.
	(6) Applicants shall notify their sponsor's command and NAF Atsugi Staff Judge Advocate of a change in the nature or termination of employment. A new application will be required for a change in employment.
	(7) NAF Atsugi will take disciplinary and/or administrative action in cases of non-compliance with NAFATSUGIINST 5300.2B.

NAFATSUGIINST 5300/2 (Rev. 10/12)

Enclosure (1),

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3. In accordance with references (a) through (d), I understand and will comply with the following policy guidelines:

Initial:	(1) Personnel will not engage in private employment in the Japanese economy which interferes with or is incompatible with the performance of official duties.
	(2) Personnel will not engage in private employment in the Japanese economy that is detrimental to the best interests of the United States, is contrary to the high standards of conduct required of U.S. Forces personnel, or will injure the dignity and stature of the United States.
	(3) Personnel will not engage in any commercial activity or employment directly or indirectly connected with prostitution, pornography, gambling, the manufacture or trafficking of weapons, drugs, persons, other black market commodities, or any other commodity or service that may violate United States or Japanese laws or otherwise bring discredit upon the United States or U.S. Forces personnel.
	(4) Personnel may not engage in the operation or management or take employment in any bar, liquor store, nightclub or other establishment in which the sale or service of alcoholic beverages are the exclusive or primary activity, or any establishment known or suspected to be associated with organized crime or known subversive or terrorist groups. This prohibition includes, but is not limited to, performing services as a bartender, waiter, waitress, hostess, manager, bouncer, security guard, disk jockey, band member, or custodian. This prohibition does not extend to eating facilities in which alcohol is served merely as an accompaniment to food service.
	(5) Personnel will not appear on or in television and radio programs, commercial advertisements, stage plays or motion pictures, make recordings, or engage in other public entertainment without the specific prior approval of their commander. Such approval must be obtained by completing a notification for intent in accordance with procedures described in accordance with reference (a). Further, U.S. Forces personnel will not engage in any activity before the Japanese public that could be perceived as lewd, unprofessional or offensive or is otherwise calculated to appeal to the lascivious instincts of the audience, or if such activity is considered offensive to the public. This prohibition includes any activity that reflects unfavorably on the U.S. military or on the U.S. - Japan Security Alliance.
	(6) Personnel shall not sell real estate, stocks, bonds, insurance, securities, and/or mutual funds shares unless they are licensed to engage in such activity by an appropriate authority of a state or territory of the United States or the District of Columbia, they receive applicable permission from NAF Atsugi in accordance with service regulations and they comply with the laws of Japan.
	(7) Personnel engaged in authorized outside employment will not wear any U.S. Military uniform items, insignia or any clothing or devices that could be reasonably construed to be U.S. Military uniform items or insignia, and will not make reference to their service affiliation, rank or organization in any manner whatsoever.
	(8) Personnel may not make use of any United States Government materials, facilities, services, or activities on or off United States installations to support private employment in the Japanese economy.

Signature of Sponsor	Date
Signature of Applicant (if over 18)	Date

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(To be completed by Applicant's command)		DATE:
FIRST ENDORSEMENT		
From:	(Applicant's/Sponsor's Command)	
To:	Staff Judge Advocate, U.S. Naval Air Facility, Atsugi	
Subj:	APPLICATION FOR PERMISSION TO ENGAGE IN PRIVATE EMPLOYMENT IN THE JAPANESE ECONOMY	
<p>1. Forwarded. Recommending approval/disapproval. This certifies that the applicant and sponsor are fully aware of their responsibilities under this instruction.</p>		
<p>_____ Signature of Commanding Officer/ Officer in Charge of Sponsoring Command(or By direction)</p>		
<p>_____ Print Name of Commanding Officer/ Officer in Charge of Sponsoring Command (or By direction)</p>		

		DATE:
SECOND ENDORSEMENT		
From:	Staff Judge Advocate	
To:		
<p>1. Request is returned approved/disapproved.</p>		
<p>_____ Staff Judge Advocate</p>		