

COUNTY OF SAN MATEO
COUNTY MANAGER'S OFFICE

**RULES GOVERNING INCOMPATIBLE ACTIVITIES
AND OUTSIDE EMPLOYMENT**

Overview

Section 2.75.020 of the San Mateo County Ordinance Code require that each Department Head formulate rules relating to incompatible activities and outside employment. The purposes of the rules is to prohibit County employees from engaging in any employment, activity, or enterprise which is inconsistent, incompatible, in conflict with, or inimical to the duties imposed on such employees by virtue of their employment with the County of San Mateo. These rules are promulgated in addition to the Conflict of Interest Code that applies to designated employees. Such employees must submit annual statements of economic interests as required.

As required by the County Ordinance Code, the following Incompatible Activities Rules have been developed by the Department Head, and reviewed and approved by the Committee on Incompatible Activities. Violation of these rules may be cause for disciplinary actions up to and including dismissal as set forth in the County Ordinance Code Section 2.75.050. All employees of the County Manager's Office are instructed to control their activities to comply with the intent of these rules. A copy of these rules, signed by each employee, will be kept in the employee's personnel file.

- A. No employee shall use County-time, facilities, equipment or supplies, or the influence or prestige of the employee's position for personal profit or advantage.
- B. No outside employment, activity, or enterprise shall involve the receipt or acceptance of money or other consideration from any person or agency other than the County of San Mateo for the performance of an act which is otherwise required of the employee as part of his/her regular County duties. This does not preclude an employee from engaging in part-time employment, an activity or enterprise in a similar profession or line of work as he/she performs for the County, with the written approval of the Department Head; provided, however, that no employee shall engage in any outside employment or enterprise as a political, election, or campaign consultant or other similar employment including, but not limited to, lobbying activity. Such approval is subject to review and change if the needs of the department change or if the employee's classification and/or responsibilities change.
- C. No outside employment, activity or enterprise shall require such time demands as would result in less proficient performance of his/her County duties. In addition, Section 2.75.070 of the San Mateo County Ordinance Code limits the outside employment of any employee holding a full-time position with the County to 20 hours per week except as provided therein.
- D. No employee shall engage in any outside employment, activity, or enterprise, if it involves the performance of an act which is currently, or if the employee has reason to believe that in the future may be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the employee or any other officer or employee in this department. Exceptions to this rule may be granted with the written approval of the Department Head.
- E. No employee shall engage in any outside employment, activity or enterprise with any person, agency or organization that is under contract to provide services to the County of San Mateo, if the employee has a direct or indirect role in awarding contracts. Exceptions to this rule may be granted with the written approval of the Department Head.
- F. No employee shall hold ownership interest in any enterprise which is under contract to provide services to the County of San Mateo if the employee has a direct or indirect role in awarding the contract. Any employee holding such ownership interests at the time of the adoption of these rules shall report such ownership to the Department Head within ten calendar days of the adoption of these rules and shall take immediate action to divest himself/herself of such ownership. Exceptions to this rule may be granted with the written approval of the Department Head.

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- G. Employees shall not serve on any board, committee, or similar body of any agency or organization which contracts with the County, receives funding from the County, or receives referrals or any other benefit from the County. Exceptions to this rule may be granted with the approval of the Department Head. Persons serving in such capacity when these rules are adopted shall report that fact and request an exception, in writing, to the Department Head within ten calendar days of the adoption of these rules. Exceptions may be granted with the written approval of the Department Head.
- H. Employees shall not engage in any outside employment which involves the use of any information which could be obtained from the department or which is confidential or client specific.
- I. Pursuant to sections 2.75.040 and 2.75.050 of the County's Ordinance Code, employees shall be notified of these Departmental Rules Governing Incompatible Activities, shall be notified if he or she is alleged to have violated such rules, and shall have a right to appeal any such discipline as follows:

Classified employees - The provisions of Civil Service Rule XIV as to notice and hearing shall be applicable to discipline imposed after a determination that a classified officer or employee has engaged in an incompatible activity or prohibited outside employment to the extent such classified officer or employee would otherwise be entitled to an appeal of such discipline under the provisions of the Charter or the rules of the Civil Service Commission.

Unclassified officers/employees - Any unclassified officer or employee may, upon being notified by the Department Head or his/her designee that said officer or employee has engaged in an incompatible activity or prohibited outside employment, may request a hearing before the Department Head, and such hearing shall be given to said officer or employee within a reasonable time. The purpose of such hearing is to permit the officer or employee to present evidence or argument in opposition to, or in mitigation of, the determination that he/she has engaged in an incompatible activity or prohibited outside employment. Such hearing is not a formal hearing and no witnesses will be allowed to testify, nor will any questioning or examination of individuals be allowed. Participation in any incompatible activity or prohibited outside employment by an unclassified employee or officer may be cause for discipline including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal; provided that if disciplinary action is taken against an unclassified officer or employee on the ground that said officer or employee has engaged in an incompatible activity or prohibited outside employment, said officer or employee may appeal the determination of the Department Head to the Committee on Incompatible Activities, which Committee shall inquire into the facts surrounding said disciplinary action, and shall thereafter make a recommendation to the Department Head on the question of whether the proposed disciplinary action should be taken. Said Committee recommendation shall not be binding on the Department Head and nothing this policy is intended to interfere with a Department Head's authority to impose discipline on officers or employees including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal. Should a Department Head reject the Committee's recommendation and impose discipline on an officer or employee, such discipline shall not constitute a violation of the policies set forth herein.

Signature of Employee

Date

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EMPLOYEE ACKNOWLEDGEMENT –Rules Governing Incompatible Activities and Outside Employment

NAME: _____

DIVISION: _____

WORK SITE: _____

Please review the departmental Rules Governing Incompatible Activities and Outside Employment and check the appropriate item(s) below:

I am not presently employed other than by the County or involved in any activity or enterprise prohibited by the rules.

I request the written approval of the Department Head to be exempted from item(s) _____ of the rules.

Please describe the outside employment, activity or enterprise for which an exemption is sought, including name and address of employer.

Number of hours per week _____

I have previously received written approval of the Department Head to be employed in a non-County position or to be involved in an activity or enterprise that is otherwise prohibited. (Please attach a copy of the written approval.)

I have read the rules and declare that the above information is correct to the best of my knowledge. I understand that I must resubmit this form in the event of a change in outside employment, activity, or enterprise status or if I am employed by a different department within the County.

Signature of Employee

Date

To be completed by Department Head if an exemption is requested.

Action on requested approval

Approve

Disapprove

Comments: _____

Signature of Department Head

Date

Received notification of Department Head's action

Signature of Employee

Date

When complete, this document is to be placed in the employee's departmental personnel file.