INCOMPATIBLE ACTIVITIES

Pursuant to Government Code Section 1125-1127, and Board of Supervisors Resolution No. 41 of February 29, 1972, each appointing authority of the County of San Diego is required to formulate rules specifying those activities for compensation, outside of County duties of the employees under his jurisdiction, which are inconsistent and incompatible with their duties as County employees. In compliance with this rule, the Director, Air Pollution Control has determined that the outside activities set forth in these rules may be in conflict with the functions and responsibilities of employees of this Department and are prohibited.

I. Any activity by an which involves the use of County time, facilities, vehicles or other equipment or materials for private gain or advantage including the following:

1. Any outside employment, including equipment with another government entity or nonprofit organization, which results in receipt of frequent telephone calls or visitors while on duty at his/her County employment.

2. The sale of publications or written materials that were prepared on County time or utilizing County facilities, equipment and/or materials. Funds from the sale of copies of County reports are deposited in the District's Fund.

3. Any outside employment activity, including employment with another government entity or nonprofit organization, which would interfere with the efficient performance of his/her County duties in the Air Pollution Control District.

II. Any activity which involves the use of stationery, badge, uniform, prestige, or influence of the individual's County employment for private gain or advantage, including the following:

1. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from public jurisdictions, private business firms or their agents who deal with the Air Pollution Control District or any department of the County of San Diego.

2. Using information not readily available to the general public, gained in the course of County employment, for private gain or advantage or the gain or advantage of another.

III. Any activity which involves the receipt by the employee of money or other consideration from private parties for the performance of acts which the employee is expected to render in the regular course of his duties as a County employee including the following:

Any consultation work for a fee or other remuneration concerning the application of interpretation of orders, directives or other communications of this department, the Board of Supervisors or any other Agency or department of the County of San Diego.

IV. Any activity which is in conflict with the duties and responsibilities of the Air Pollution Control District, including the following:

1. Outside employment, including employment with another government entity or nonprofit organization, which will impair independently of judgment as to his/her County duties.

2. Outside activity, including employment with another government entity or nonprofit organization, which will require or induce the employee to disclose confidential information acquired in the course of his/her County duties.

3. Outside employment, including employment with another government entity or nonprofit organization, with an entity which has a contract with the County; or has had a contract within the last twelve (12) months.

V. Any outside employment, including employment with another government entity or nonprofit organization, in which a part of the employee's efforts therein may be subject to approval, review, control, or audit by another employee, officer, board or commission of the County of San Diego.

VI. Disclosure of Outside Activities

1. Employees of the Air Pollution Control District shall disclose to the Director, Air Pollution Control in writing any outside employment or activity where any part of their efforts will be subject to the approval by any other officer, employee, board or commission of the County.

2. Employees of the Air Pollution Control District shall disclose to the Director, Air Pollution Control in writing if an assignment of work relates to any organization, property or activity in which he/she or a member of his/her immediate family has an interest.

3. Employees of the Air Pollution Control District shall disclose to the Director, Air Pollution Control in writing if he/she makes a presentation before any officer, board or commission which the Director represents or advises and in which the employee or a member of his/her immediate family has an interest.

4. Employees of the Air Pollution Control District shall disclose to the Director, Air Pollution Control in writing any paid position held in a non-profit entity which has or is seeking contracts with the County of San Diego.

5. The disclosure requirements shall be applicable to employees of the Air Pollution Control District who are employed by another government entity or nonprofit organization.

6. Where employees of the Air Pollution Control District are authorized to expend time and/or resources on outside activities, those involved will document the activities and make it available to the Director, Air Pollution Control.

VII. Violation of rules is ground for discipline.

1. Participation in any prohibited activity by any classified officer or employee or failure to properly disclose outside activities as required by these Rules, after proper notification of such prohibition or failure to disclose, may be cause for suspension, demotion, reprimand, transfer, or removal within the provisions of the Chart of the County of San Diego, and the Civil Service Rules. The provisions of Civil Service Rule VII as to notice and hearing shall be applicable to discipline imposed based on a determination that a classified officer

or employee has engaged in any prohibited outside activity or has failed to properly disclose outside activities as required by these Rules.

2. Any unclassified officer or employee may, upon determination of the Director, Air Pollution Control that he has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing before the Director or the Director's designee, and such hearing shall be afforded to the unclassified employee within a reasonable time. Participation in any prohibited activity or failure to disclose outside activities as required by these Rules by any unclassified officer or employee may be cause for discipline or removal.

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date: 11/10/98 Minute Order No. 42
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By: D. Hill
Deputy Clerk