COUNTY OF SAN DIEGO
DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES
DEPARTMENT POLICY

NO. 42

SUBJECT: CONFLICT OF INTEREST AND INCOMPATIBLE ACTIVITIES

PURPOSE:

The purpose of this policy is to:

1. Incorporate existing Department rules relating to incompatible activities into the Department Policy and Procedures Manual that:

   a. Enumerate examples of outside employment and/or activities which are prohibited because they are inconsistent with, incompatible to or in conflict with the duties of Department officers or employees. The activities, employment and enterprises referred to below do not include every possible limitation on an activity that might be prohibited.

   b. Specify procedures for Department employees to report outside work, financial interests, and/or planned activities which may be incompatible to their employment so that a determination can be made as to whether such employment, interests and/or activities actually constitute a conflict of interest or an incompatible activity.

   c. Specify procedures for resolving situations where an activity may be incompatible with Department employment.

2. Clarify, by example and narrative, existing rules and procedures.

SCOPE:

This policy applies to all employees in the Department of Agriculture, Weights and Measures. Determination of the compatibility of specific cases of business enterprise, financial interest and/or other activities shall be made by the appointing authority for the Department, the Agricultural Commissioner/Sealer of Weights & Measures.

BACKGROUND:

Government Code Sections 1125-1127 and Board of Supervisors Resolution 41 (February 29, 1972), amended by Resolution 15 (November 15, 1981), require each appointing authority to formulate rules which specify activities that are prohibited to employees on the basis that the activities are incompatible or inconsistent with the employees' County government duties.

On June 15, 1983, the Chief Administrative Officer (CAO) adopted rules regarding Incompatible Activities Law and Conflict of Interest (Admin. Manual, Item 0010-3). That Item requires Department Heads to formulate rules relating to activities that are incompatible to, or in conflict with the duties of the officers and employees of their departments.

Two existing Conflict of Interest forms are used County-wide:

1. Every employee of the Department files AUD 263, a disclosure statement card, on a semi-annual basis.

2. Form 700 is filed annually by only certain designated positions of the Department. Positions that make or participate in making governmental decisions with a foreseeable material affect on a financial interest are required to file this form.

Additionally, the Department has developed a Disclosure of Outside Activities form. This form, shown in Attachment A, provides initial information at time of appointment and is used by employees to report an anticipated activity which may fall under the purview of this policy.

PROHIBITED ACTIVITIES:

The following activities are prohibited during and outside of work hours because they have been determined to be incompatible, inconsistent or in conflict with the duties of Agriculture, Weights and Measures employees. Employees found to be participating in such activities will be subject to disciplinary action.

1. Use Of Work Time Or Resources For Private Gain Or Advantage

Any activity that involves the use, for private gain or advantage, of County time or resources, including but not limited to:

a. Any outside employment which results in the receipt of or the making of telephone calls or which results in visits by a private client to an employee while the employee is on duty at his/her County employment.
b. Any outside employment which results in use of County equipment, vehicles, supplies, notes, records, maps or other data.

c. Any outside employment which will require or induce the employee to disclose confidential information acquired by him or her in the course of County duties.

2. Use Of Work-Related Prestige Or Influence For Private Gain Or Advantage

Any activity that involves the use, for private gain or advantage, of the badge, uniform, prestige, or influence of the individual's County employment, including but not limited to the following:

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

3. Receipt Of Money Or Other Consideration From Private Parties

Any activity that involves the receipt by the employee of money or any other consideration for private gain or advantage from private parties for the performance of acts which the employee is expected to render in the regular course of his/her duties as a County employee, including but not limited to the following:

a. Any consultation work for personal fee or favor concerning the application or interpretation of orders of any element of the County.
b. Expediting the payment of claims in return for personal fee or favor.
c. Performing for personal fee or favor any research into County records.

4. Conflict With Duties And Responsibilities

Any activity that is in conflict with the duties and responsibilities of the employee, including but not limited to the following:

a. Any outside employment that will impair the employee's independence of judgment as to his/her County duties.
b. Soliciting business of any kind from, purchasing any property at a special discount from, or entering into a partnership, profit sharing, consulting or employment arrangement of any kind with any person or business subject to regulation, inspection, permit authorization, certification, or similar function by the County when the official duties of the employee directly or indirectly involve such functions.
c. Divulging to unauthorized persons the contents of decisions, investigative reports, or comparable documents prior to the date of regular release or agreed time of issuance of statement.
d. Providing estimating services to any person bidding on or who may reasonably be expected to bid on a contract with the County.
e. Accepting, taking or converting by an enforcing officer to his/her own use (or to the use of any other person) any inspected materials or contraband

or rejected materials taken for destruction or disposal as a result of enforcement activity.

5. **Subject To Review, Approval, Control Or Audit By The County**

Any activity in that a part of the employee's efforts may be subject to review, approval, control, or audit by another employee, officer, board, or commission of the County of San Diego including but not limited to:

Employment by a contractor, firm or person who has been awarded a County contract.

6. **Demands Rendering Employee Less Efficient**

Any activity that involves demands on the employee's time which renders the performance of his/her duties less efficient including but not limited to the following:

a. Outside employment resulting in the physical or mental fatigue which interferes with the efficient performance of the employee's duties.
b. Outside employment which interferes with the employee's ability to respond to an emergency.

7. **Unfavorable Reflection On The Department Or The County**

Any outside employment or activity that reflects unfavorably on the Department of Agriculture, Weights & Measures or the County of San Diego.

DISCLOSURE:

Pursuant to this policy, each employee of the Department of Agriculture, Weights & Measures is required to make a disclosure of outside activities.

1. **Employee Responsibilities:**

a. An employee is responsible for disclosing, in writing, to the Agricultural Commissioner/Sealer any contemplated or existing activity, interest, or relationship that could impair his/her objectivity, judgment, effectiveness, or productivity as an employee of the Department.
b. If, in the course of work, an employee receives a work assignment that relates to any organization, property or activity in which he/she or members of his/her immediate family has any direct or indirect financial interest, the employee is required to immediately disclose that fact to the Agricultural Commissioner/Sealer, in writing, so that a determination can be made as to whether the assignment constitutes a "conflict of interest" for the employee.

c. An employee is required to take the initiative in disclosing activities whenever a potential or apparent conflict exists and not rely on prompting by management. Through this action, the employee protects his/her own interest as well as those of the Department.

2. Management Responsibilities:

All managers are responsible for ensuring that employees under their supervision are familiar with this Policy and for promoting compliance with the Policy.

REPORTING PROCEDURES:

1. New Employees

New employees will receive a copy of this policy along with other policies in the Employee Handbook. Each new employee will complete and sign a Disclosure of Outside Activities form, shown as an attachment to this policy. "New employees" includes County employees who are transferring or promoting into the Department of Agriculture, Weights & Measures.

2. Current Employees

Semi-annually, the Payroll Clerk will send a Disclosure Statement Card (AUD 263) to each employee of the Department. The employee will complete the card and submit it to his/her immediate supervisor. If there is a disclosure, then:

a. The Payroll Clerk will send the employee a Disclosure of Outside Activities form to fill out and return to the Payroll Clerk within two weeks.
b. The supervisor will review the form(s) to ensure that adequate information on which to base a decision is provided.
c. The supervisor will advise the program manager and sign and forward the Disclosure of Outside Activities form to their Deputy Director for final review and resolution in accordance with the following resolution procedure.

In addition to the semi-annual process, all employees can request a Disclosure of Outside Activities form at any time from the Payroll Clerk to modify any previously filed statements.

3. Resolution

The Deputy Directors, in consultation with the Agricultural Commissioner/Sealer, will review and resolve reported activities as follows:

a. If, after review, the decision is that no conflict of interest or incompatibility exists, the Deputy Director will promptly sign the Disclosure of Outside Activities form, notify the employee and the

employee's supervisor and forward the signed form to the Payroll Clerk for retention.

b. If, after review, the decision is that an activity represents a conflict of interest or incompatibility, the Deputy Director will then conduct a complete inquiry. The Deputy Director, in consultation with the Agricultural Commissioner/Sealer, will determine the action required to resolve the conflict of interest and promptly communicate it to all concerned parties.

Within a reasonable time period, as determined by the Deputy Director, the employee will provide substantiation that the action required to resolve the conflict of interest has been completed. Failure to comply may result in disciplinary action against the employee pursuant to applicable Civil Service Rules. Disciplinary action may include suspension, demotion or termination of employment.

ATTACHMENTS:

Attachment A: Disclosure of Outside Activities

REFERENCES:

Government Code, Sections 1125-1127
Resolution #41 (2/29/72)
Resolution #15 (11/17/81)
Civil Service Rule VIII
Administrative Manual Item 0010-3

APPROVED BY: Kathleen A. Thuner

KATHLEEN A. THUNER, Agricultural Commissioner/Sealer

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: _____
Deputy Clerk

COUNTY OF SAN DIEGO

0000007

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES

DISCLOSURE OF OUTSIDE ACTIVITIES

I certify that I have read and understand the Department Policy No. 42.

I am currently engaged in, or plan to enter into, outside employment, business activity or enterprise which is related to my duties as a County Officer or employee, or which may be subject to review or approval by a County Officer or employee, as follows:

Description of Activities: _____

_____

_____

Duties or Function: _____

_____

_____

_____

_____

Remarks: _____

I further certify that I will keep my appointing authority informed of any change in my outside activities which will make any part of my efforts subject to review by any other officer, employee, board or commission of the County. In addition, I certify that if I shall receive an assignment of work which relates to any organization, property or activity in which I or a member of my immediate family has an interest, I shall disclose and report such interest in writing to my appointing authority.

In the event of doubt on my part as to the propriety of any of my outside activities, I understand that I should report such outside activity to my appointing authority and request a ruling in regard to that outside activity.

_____	_____
Name of Employee	Employee Number and Class Title
_____	_____
Employee's Signature	Division
_____	_____
Date	Approved – Appointing Authority KATHLEEN A. THUNER Agricultural Commissioner/ Sealer of Weights and Measures