COUNTY OF SAN DIEGO
DEPARTMENT OF GENERAL SERVICES
POLICY AND PROCEDURES

SUBJECT: INCOMPATIBLE ACTIVITIES/CONFLICT OF INTEREST	POLICY NUMBER	PAGE
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Effective Date February 21, 1997

JOHN A. MILLER, Director
Department of General Services

PURPOSE:

This policy establishes standard rules regarding incompatible activities and conflicts of interest which are to be followed by the Department of General Services' employees.

BACKGROUND:

On June 15, 1983, the Chief Administrative Officer adopted rules regarding Incompatible Activities Law and Conflict of Interest (Admin. Manual, 0010-3). This includes Government Code Sections 1125-27.

These rules require each appointing authority: "... to formulate rules specifying those activities for compensation outside of the normal duties of officers and employees under its jurisdiction which are incompatible to or in conflict with their duties as County officers and employees".

CAO Policy also requires all County employees to complete: (1) Disclosure Statement (AUD 263), see Attachment A; and (2) Statement of Economic Interest (Form 700), located in the Department Personnel Office.

POLICY:

It is the Department of General Service's Policy that "Rules For Incompatible Activities" shall be adopted as department policy. See Attachment B.

All employees shall submit Disclosure Cards (AUD 263), on [illegible] annual basis. In addition, a Statement of Economic Interest (Form 700), shall [illegible]

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employees, as outlined in this policy. These forms shall be reviewed by the Appointing Authority or designee signed and dated.

Overall, it is the Department's policy in accordance with the Civil Service Rules of the County of San Diego, that:

> General Services' employees shall not engage, at any time, in any outside employment, or in any outside business activity or enterprise which is inconsistent, incompatible, in conflict with or inimical to assigned duties as a County employee or the duties, functions or responsibilities of the appointing authority and the Department.

STANDARDS & GUIDELINES:

1. Incompatible and Prohibited Activities

   The Administrative Manual requires that Department Heads establish rules governing Incompatible Activities and Conflicts of Interest. These Rules are stated in the "Department of General Services' Rules for Incompatible Activities." See Attachment B.

2. Director's Requirement to file a Statement of Economic Interest:

   The Director of General Services is required by Administrative Manual Policy 0010-3 to complete a "Statement of Economic Interest" (Form 700) within 30 days of assuming office, leaving office, or changing economic status. The Director's Form 700 must be filed, reviewed and retained by the Chief Administrative Officer and Clerk of the Board.

3. Director's determination of General Services staff who must file a Form 700.

   The Director is responsible for designating key General Services employees who are responsible for completing a Form 700. A list of designated positions are included in Attachment C.

4. Disclosable or Reportable Interests

   The types of reportable interests are specified in the "Statement of Economic Interests for Designated Employees" Manual and Form 700

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In general, the kinds of interests which may have to be reported on Form 700 C include:

Investments - worth $1,000 or more *
Interests in Real Property and Investments *
Income aggregating $250 or more *
Loans aggregating $250 or more *
Gifts aggregating $50 or more **
Honoraria aggregating $50 or more **
Business Positions held in a business entity *

* From sources within the County of San Diego.
** From sources within or outside the County of San Diego.

5. Disclosure Cards

a) Current Employees - Each employee in the Department of General Services is required to complete a Disclosure Statement (AUD 263) on a semi-annual basis.

b) New Employees - New employees are required to submit a Disclosure Card (AUD 263) within 10 work days of their appointment.

c) The Director will complete a Disclosure Statement on a semi-annual basis and submit it to CAO for review, approval, and retention.

6. Outside Jobs

Outside jobs are generally allowed, unless the job conflicts with the Department of General Services "Rules for Incompatible Activities" as stated herein. Employees with second jobs shall not be limited to a specified number of hours, unless the work adversely affects or is incompatible with his/her County job. In these cases, adverse work habits will be addressed as a disciplinary issue.

7. Review of Disclosure Cards and Statement of Economic Interest

The Appointing Authority or designee shall review each Disclosure Statement (AUD 263) and Statement of Economic Interest (700). This review shall "... identify any potential conflict of interest or incompatible activity."

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In General Services the review of cards is delegated to the Deputy Directors and the Personnel Officer or their respective designees. Each card must be initialed and dated to indicate that the review has been completed.

a) Disclosure Cards without Conflicts

For cards without any listed outside activities or conflicts, the Personnel Officer may delegate the reviewing, initialing and dating to the payroll clerical staff.

b) Disclosure Cards with Potential Conflicts

For cards with listed outside activities or potential conflicts, the Deputy Directors or designees must also sign and date the form. These cards are then reviewed and signed by the Appointing Authority or designee.

c) Statements of Economic Interests will be reviewed and signed by the Deputy Directors and Departmental Personnel Officer.

8. Failure to Submit Statement of Economic Interest/ Disclosure Cards

Employees failing to submit complete forms on a timely basis are subject to disciplinary action.

9. Investigations/Appeals

The Deputy Directors are responsible for reviewing, investigating and reporting on possible conflicts or incompatible activities. When a conflict is found, the Deputy Director shall submit a copy of his/her report to the Appointing Authority for a determination. A copy shall be filed in the Personnel/Payroll section.

In accordance with Rule VIII of the San Diego County Civil Service Rules:

"If an appointing authority determines that such employment, business activity or activity is inconsistent, incompatible, in conflict or inimical as aforesaid, the employee shall be ordered to refrain therefrom; provided, however, that the employee may appeal such order to refrain in the manner provided in Rule VII for appeal from an order of suspension, demotion or removal.

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10. Personnel Section Reporting & File Retention Responsibilities

a. The Personnel Officer files periodic reports with the Appointing Authority regarding compliance with this policy, potential conflicts, and other related issues.

b. All forms are retained for 2 years (+ current year).

PROCEDURES:

A. Statement of Economic Interests:

Personnel Section	1. Issues the Statement of Economic Interest (Form 700) to designated employees.
Designated Employees	2. Completes Form 700 and submits the form to their supervisor on a timely basis.
Dep. Dir./Designee	3. a. Reviews and analyzes the form for compliance with this policy. b. Signs and dates the form or takes corrective action. c. Submits the form to the Personnel Section.
Personnel Section	4. a. Reviews each Form 700 for completeness and compliance with this policy. b. Initials and dates those Form 700's, where no conflict is reported or suspected. c. Maintains a master list of designated employees; posts the receipt of forms to the master list; and ensures that a 700 is completed annually for designated employee assuming office and leaving office.

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B. Disclosure & Statements:

Personnel Section

1. Issues Disclosure Statements (AUD 263) and an instructions memo with the next employee timesheets or paychecks.

Employee

2. Completes Form 263 and submits the form to his/her Deputy Director/designee.

Deputy Director/ Designee

3. a. Reviews Form 263: signs and dates it; and submits it to Personnel/Payroll.

   b. Refers potential conflicts to the Personnel Officer for review. Takes corrective action, as needed.

Personnel Section

4. a. Reviews AUD 263's for completeness.

   b. Investigates potential conflicts with the employees, supervisor or Deputy Director.

   c. Reviews, initials and dates AUD 263's when supervisor initials are absent <u>and</u> no conflicts are declared.

   d. Posts the receipt of AUD 263's to the master alpha list.

   e. Ensures an AUD 263 is completed for each current employee.

   f. Files the Disclosure Cards and alpha list.

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: [signature]
Deputy Clerk

REVIEW DATE:

This policy will be reviewed for continuance by March 30, 2000.

DISCLOSURE STATEMENT

( ) 1. Name _____ Dept. _____

2. Job Classification _____

3. Name of outside employer: _____
(Indicate self-employment if applicable)

4. Duties of outside employment: _____

5. Hours per week (average) _____
(Note Peak Periods)

6. General Comments _____

_____

7. Signature _____ Date _____

8. Reviewed by: _____ Date _____

NOTE: If you do not have outside activity for compensation, write "None" on line 3.

AUD 263 (Rev. 10/86)

(Reverse Side)

RULES REGARDING INCOMPATIBLE ACTIVITIES

On February 29, 1972, the Board of Supervisors adopted rules governing application of incompatible activities law (G.C. Secs. 1125-27). These rules require each appointing authority to formulate rules specifying those activities for compensation outside of the normal duties of officers and employees under its jurisdiction which are incompatible to or in conflict with their duties as County officers and employees. The rules are available in your department and require you to disclose to your appointing authority, in writing, any outside employment or activity for compensation which relates to your County duties or the functions and responsibilities of your department, office or court, or which may be subject to approval by another County officer or employee.

You are hereby requested by your appointing authority to file the disclosure statement form on the reverse side indicating no outside activity for disclosure, or disclosing those outside activities for compensation which are covered by the rules. Any modifications to previously filed statements should be made at this time also. Please complete the form and return it to your appointing authority.

Attachment "B"

DEPARTMENT OF GENERAL SERVICES
RULES FOR INCOMPATIBLE ACTIVITIES

Pursuant to Government Code Sections 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/her jurisdiction which are inconsistent and incompatible with their duties as County employees. In compliance with this rule, the Department of General Services has determined that the outside activities set forth in these rules are inimical to the functions and responsibilities of employees of this department and are therefore prohibited.

I. Any activity which involves the use for private gain or advantage of County time or facilities, including the following:

1. Any outside employment which results in receipt of frequent telephone calls or visitors by employees while on duty in General Services.
2. The use of County supplies and parts, including salvage material, for personal use, giving away or selling.
3. The use of mail service for private use, not involving official County business.
4. The use of duplicating for private use, not involving official County Business.

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

1. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from business firms or their agents who deal with this Department.
2. Using official information not readily available to the general public, and obtained in the course of County employment, for private gain or advantage or the gain or advantage of another.
3. Soliciting or receiving money or other consideration involving the acquisition of leases, property or contracts.
4. Conducting activities in which an employee has an interest in a property or is serving as a representative for the property owners, whereby decisions could be influenced.

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 assigned duties as a County employee, including the following:

1. Any consultation work for a fee concerning the application or interpretation of orders of the Department.

2. Any service involving maintenance, craft or fleet repairs, central duplicating, records support, property acquisition, lease or project approval.

IV. Any activity which is in conflict with the duties and responsibilities of the employee's Department, including the following:

1. Any outside employment which will impair the employee's independence of judgment involving County duties.
2. Any outside activity which will require or induce the employee to disclose confidential information acquired in the course of County employment.
3. Any work performed for a firm that does business with General Services.

V. The following activities in which a part of the employee's efforts may be subject to approval, review, control, or audit by another employee, officer, board, or commission of the County of San Diego:

1. Using official information, not generally available to the public - - especially in the bid process.
2. Giving the appearance of incompatible activities which may be misinterpreted.

VI. Any activity which involves demands which render the employee's performance of assigned County duties less efficiently. This includes: selling any goods on County property for personal gain, including goods, services, salvage, material and restricted information. Exceptions for such items as selling Girl Scout cookies or soccer candy must be approved on a case-by-case basis by the Director/or designee, and be limited in scope.

DEPARTMENT OF GENERAL SERVICES
EMPLOYEE'S DESIGNATED TO COMPLETE A STATEMENT OF ECONOMIC INTEREST
FORM 700

Class No.	Designated Positions	Reportable Economic Interest Category No's.
0953	Chief Facilities Operations	1,2,3 4 A-1, A-2,B,C,D 5
0954	Chief Facilities Planning	1,2,3 4 A-1, A-2,B,C,D 5
0956	Chief Real Property Operations	1,2,3 4 A-1, A-2,B,C,D 5
2125	Director of General Services	1,2,3 4 A-1, A-2,B,C,D 5
2219	Assistant Director, General Services	1,2,3 4 A-1, A-2,B,C,D 5
2220	Deputy Director, Fleet Services	1,2,3 4 A-1, A-2,B,C,D 5
2280	Deputy Director, Support Services	1,2,3 4 A-1, A-2,B,C,D 5
2287	Deputy Director, Architecture & Engineering	1,2,3 4 A-1, A-2,B,C,D 5
2289	Deputy Director, Facilities Services	1,2,3 4 A-1, A-2,B,C,D 5
2290	Deputy Director, Facility & Real Property	1,2,3 4 A-1, A-2,B,C,D 5
2348	Chief, Capital Facilities Planning	1,2,3 4 A-1, A-2,B,C,D 5
2369	Administrative Services Manager II	1,2,3 4 A-1, A-2,B,C,D 5
2347	Capital Project Coordinator	1,2,3 4 A-1, A-2,B,C,D 5
3004	Chief, Reprographics	1,2,3 4 A-1, A-2,B,C,D 5
3052	Chief, Records Management Services	1,2,3 4 A-1, A-2,B,C,D 5
3571	Chief, Architectural Planning & Design	1,2,3 4 A-1, A-2,B,C,D 5
3592	Architectural Project Manager II	1,2,3 4 A-1, A-2,B,C,D 5
3593	Architectural Project Manager III	1,2,3 4 A-1, A-2,B,C,D 5
3728	Senior Land Surveyor	1,2,3 4 A-1, A-2,B,C,D 5
3780	Assistant Land Surveyor	1,2,3 4 A-1, A-2,B,C,D 5
5195	Facilities Services Contract Specialist II	1,2,3 4 A-1, A-2,B,C,D 5
5524	Assistant Real Property Agent	1,2,3 4 A-1, A-2,B,C,D 5
5525	Associate Real Property Agent	1,2,3 4 A-1, A-2,B,C,D 5
5570	Senior Real Property Agent	1,2,3 4 A-1, A-2,B,C,D 5
5585	Supervising Real Property Agent	1,2,3 4 A-1, A-2,B,C,D 5
5912	Senior Facilities Analyst	1,2,3 4 A-1, A-2,B,C,D 5
6010	Planner Estimator III	1,2,3 4 A-1, A-2,B,C,D 5
6011	Planner Estimator II	1,2,3 4 A-1, A-2,B,C,D 5
6012	Planner Estimator I	1,2,3 4 A-1, A-2,B,C,D 5
6155	Chief, Fleet Operations	1,2,3 4 A-1, A-2,B,C,D 5
7017	Facilities Manager	1,2,3 4 A-1, A-2,B,C,D 5

CONFLICT OF INTEREST CODE FOR THE SAN DIEGO COUNTY DEPARTMENT OF GENERAL SERVICES

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest. It can be incorporated by reference and may be amended by the Fair Political Practices Reform Act. Therefore, the terms of 2 California Code Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the San Diego County Department of General Services.

Pursuant to Section 4 (A) of the standard code, designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the Director, the agency shall make and retain a copy and forward the original of these statements to the Clerk of the Board of Supervisors. Statements for all other designated employees will be retained by the agency.

JOHN A. MILLER, Director

1/29/97

Date

(Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations)

18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et sec. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code