ADMINISTRATION

SUBJECT: CONFLICT OF INTEREST OR INCOMPATIBLE ACTIVITIES

PURPOSE:

To establish Department policy prohibiting employees from engaging in any outside employment or activity which is incompatible with their duties as County employees.

BACKGROUND:

Government Code Section 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.

For compliance, there are two existing Conflict of Interest forms which are used:

1. AUD 263, a disclosure statement card, is filed by <u>every</u> employee of the Department on a <u>semi-annual</u> basis.

2. Form 700 is filed <u>annually</u> by employees in <u>certain designated positions</u> of the Department. These positions make or participate in making governmental decisions with a foreseeable material effect on a financial interest.

3. Additionally, the Department has developed a Disclosure of Outside Activities Form, DPW-80 (4-95). This form will supplement Form AUD 263.

SCOPE:

This Policy applies to all employees in the Department of Public Works.

POLICY:

CONFLICT OF INTEREST AND INCOMPATIBLE ACTIVITIES

It is the policy of the Department of Public Works that the following activities are prohibited:

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

   a. 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.

   b. 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 County General Fund.

   c. 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 Department of Public Works.

2. 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:

   a. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from public jurisdiction, private business firms or their agents who deal with the Chief Administrative Office or any department of the County of San Diego.

   b. 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.

3. 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/her duties as a County employee, including the following:

   Any consultation work for a fee or other remuneration concerning the application or 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.

4. Any activity which is in conflict with the duties and responsibilities of the Chief Administrative Office, including the following:

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

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

   c. 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.

5. 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.

Pursuant to this policy, each employee of the Department is required to make a:

DISCLOSURE OF OUTSIDE ACTIVITIES

1. Employees of the Department of Public Works shall disclose to the Director 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 Department of Public Works shall disclose to the Director 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 Department of Public Works shall disclose to the Director 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 Department of Public Works shall disclose to the Director 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 Department of Public Works who are employed by another government entity or nonprofit organization.

6. Where employees of the Department of Public Works are authorized to expend time and/or resources on outside activities, those involved will document the activities and make it available to the Director.

VIOLATION OF RULES IS GROUNDS 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 provision of the Charter of the County of San Diego, and the Civil Service Rules. The provisions of Civil Service Rules VII as to notice and hearing shall be applicable to discipline imposed based on a determination that a classified office 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 Chief Administrative Officer that he has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing before the Chief Administrative Officer or the CAO'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.

PROCEDURES:

A. EMPLOYEE NOTIFICATION

1. New Employee: Prior to the start of employment, the DPW Personnel Office will provide each new employee with a copy of this Policy.

   a. As a condition of employment, each new employee is required to declare that he/she has read and understands the Policy and has made full disclosure of any existing or contemplated activity reportable under the Policy.

   b. The employee will complete and sign the County's Disclosure Statement Card (AUD 263). A Department of Public Works Disclosure of Outside Activities Form (DPW 80) will also be required, if the employee discloses information that he/she has an existing activity outside the County.

2. Current Employees: Semi-annually, the DPW Personnel Office will send a Disclosure Statement Card (AUD 263) to each employee of the Department.

   a. The employee will complete the card and submit it to his/her immediate supervisor.

   b. If there is a disclosure, the Personnel Office will send the employee a DPW Disclosure of Outside Activities Form (DPW 80) to fill out and return to Personnel within two weeks of the letter date.

   c. The supervisor will review the forms(s) to ensure that adequate information on which to base a decision is provided.

   d. The supervisor will 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.

   e. Any modifications to previously filed statements should be made by also using the Disclosure of Outside Activities Form (DPW 80).

B. RESOLUTION PROCEDURE

1. If, after review, the decision is that no conflict of interest exists, the Deputy Director will promptly sign the Disclosure of Outside Activities Form (DPW 80), notify the employee and the employee's supervisor and forward the signed form to the Personnel Office for retention.

2. If, after review, the decision is that an activity represents a conflict of interest, the Deputy Director will then conduct a complete inquiry.

   a. The Deputy Director will determine the action required to resolve the conflict of interest and promptly communicate it to all concerned parties.

   b. 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.

3. The DPW Personnel Office will monitor and administer the disclosure process.

REFERENCES:

Government Code Section 1125-1127
Resolution #41 (2/29/72)
Resolution #15 (11/17/81)
Civil Service Rule VIII

APPROVED BY: Stephen Thunberg
STEPHEN THUNBERG, DIRECTOR

EFFECTIVE DATE: June 2, 1993
REVISION DATE: September 30, 1998
SUNSET DATE: August 30, 2000

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

DISCLOSURE STATEMENT

1. Name_____ Dept._____

2. Job Classification_____

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

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

4. Duties of outside employment:_____

5. Hours per week (average) of outside employer:_____
(Note Peak Periods)

6. General Comments_____

_____

7. Signature_____ Date_____

8. Reviewed by:_____ Date_____

AUD 263 (Rev. 2/93)

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 thier 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.

COUNTY OF SAN DIEGO
Department of Public Works

Disclosure of Outside Activities

I certify that I have read and understand DPW Policy AD-3 (June 2, 1993), subject "Conflict of Interest or Incompatible Activities".

☐ I am currently engaged in, or plan to enter into, outside employment business activity or enterprise.

Nature of business or activity (describe): _____

Employer (if self-employed, so state): _____

My duties are (be specific): _____

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, or 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 or 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	Supervisor's Signature
_____	_____
Signature	Deputy Director
_____	☐ APPROVED ☐ DENIED
Date	