RULES FOR COUNTY OF SAN DIEGO DEPARTMENT OF PURCHASING AND CONTRACTING REGARDING INCOMPATIBLE ACTIVITIES

Pursuant to Government Code Sections 1125-1127 and Board of Supervisors Resolution No.41 of February 29, 1972, and Resolution No. 01-207 of July 31, 2001, 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 of Purchasing and Contracting (Director) 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 therefore prohibited, or require reporting of those activities to the Director.

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

    a. Any outside employment, including employment 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 was 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.

2. Any activity which involves the use for private gain or advantage of the 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 with the Department, 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.

    c. Endorsing, recommending or suggesting in any manner, while acting in his/her official capacity, the employment or procurement of a particular product, professional or commercial service.

    d. Serving as a consultant, advocate or advisor for individuals or corporation submitting bids, proposals or any other material to the County of San Diego for the purpose of obtaining or pursuing contracts with the County.

e. Interfering with or attempting to influence the outcome of a procurement process. This includes unauthorized research or access of departmental records for purposes other than those related to the employee's assigned duties.

f. Use of the employee's name, photograph, or official title which identifies him/her as a member of the Department in connection with testimonials or advertisements of any community or commercial enterprise.

g. Use of an on the job public contact to promote or supports in any way outside employment, including direct soliciting, distribution of business cards or any other form of advertising, or business referrals.

h. Use of Department identification for any activities other than those relating to the employee's assigned duties.

i. Unauthorized disclosure of official County or Department business.

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 consideration concerning the application or interpretation of orders, directives or other communication of the Department, the Board of Supervisors, or any other agency or department of the County of San Diego.

4. Any outside employment or activity which is in conflict with the duties and responsibilities of the employee's department, including the following:

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

   b. Outside employment or activity which will require or induce the employee to disclose confidential information acquired in the course of his/her County duties.

   c. Outside employment or activity, including employment with another government entity or nonprofit organization, with an entity which has any contractual agreements with the County including but not limited to subcontracts and consulting agreements.

5. Any outside employment or activity where any part of the employee's efforts may be subject to approval, review, control, audit, inspection or enforcement by another employee, officer, board or commission of the County of San Diego, unless approved by the Director.

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6. Disclosure of Outside Activities

    a. Employees of the Department of Purchasing and Contracting (Department) 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.

    b. Department employees 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.

    c. Department employees shall disclose to the Director in writing any paid position held in any entity, including non-profit organizations, which has or is seeking contracts with the County of San Diego.

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

7. Violation of rules is grounds for discipline.

    a. 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 of failure to disclose, may be cause for discipline or removal within the provision of the Charter of the County of San Diego, and the Civil Service Rules.

    b. Participation in any prohibited activity by any unclassified officer or employee or failure to properly disclose outside activities as required by these Rules, may be cause for discipline or removal.

Approved and/or authorized by the Board of Supervisors of the County of San Diego.
Date: 3/13/2012 Minute Order No. 12
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By: Nancy Vizcarra, Deputy Clerk