

**DEPARTMENT OF ENVIRONMENTAL HEALTH
POLICY AND PROCEDURE MANUAL**

SECTION: PERSONNEL	POLICY NO.: P-31
SUBJECT: CONFLICT OF INTEREST/ INCOMPATIBLE ACTIVITIES	PAGE: 1 of 9
	DATE: August 1, 2006
REFERENCE: Gov. Code, Sect. 1125-1127, Admin Manual Item 0010-3, Board of Supervisors Resolution No. 41, (2/72)	SUPERSEDES: November 7, 2000

PURPOSE:

Pursuant to Government Code, Sections 1125-1127, and Board of Supervisors' Resolution No. 41 (effective February 29, 1972, and No. 15 (effective January 1, 1982), each appointing authority of the County of San Diego is required to formulate rules specifying the activities for compensation outside of the normal duties of officers and employees under its jurisdiction, which are inconsistent with, and incompatible to, or in conflict with, their duties as County officers or employees. In compliance with this directive, the Department of Environmental Health has developed this policy.

BACKGROUND:

On September 8, 1998, the Chief Administrative Officer (CAO) updated the rules originally issued June 15, 1983, regarding Incompatible Activities Law and Conflict of Interest (Administrative Manual, 0010-3), pursuant to Government Code Sections 1125-27.

CAO Policy also requires that all County employees complete the Disclosure Statement (AUD 263) semi-annually and that employees in certain designated classifications complete the Statement of Economic Interest (Form 700) annually.

POLICY:

It is the policy of the Department of Environmental Health (DEH) that the Resolution of the Board of Supervisors Enacting Rules Governing Application of Incompatible Activities Law shall be adopted as Department policy. All employees shall submit Disclosure Statements (AUD 263) on a semi-annual basis. A Statement of Economic Interest (Form 700) shall be submitted annually, for designated employees, as outlined in this Policy. These forms shall be reviewed, signed, and dated by the Appointing Authority or designee.

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

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 10/28/06 Minute Order No. 14
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
Thomas J. Pastuszka
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RULES FOR INCOMPATIBLE ACTIVITIES:

The Administrative Manual requires that Department Heads establish rules governing Incompatible Activities and Conflict of Interest. Following are DEH's Rules for Incompatible Activities:

- I. Any activity which involves the use of County facilities for private gain or advantage, including the following:
 - A. Any outside employment which results in receipt of frequent telephone calls or visitors by the employee while the employee is on duty at his/her County employment.
 - B. Use of County facilities to repair or manufacture items which are not used for County purposes

- II. Any activity which involves the use, for private gain or advantage, the 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 business firms or their agents who deal with DEH.
 - B. Using official information not readily available to the general public, gained in the course of County employment, for private gain or advantage of another.
 - C. Presenting oneself, as a DEH representative, outside of one's normal duties and responsibilities, for private gain.
 - D. Using the badge, or County ID to gain personal favor or advantage.

- III. Any activity which involves the receipt 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:
 - A. Any consultation work for a fee concerning the application or interpretation of orders of this Department.
 - B. Retention of a fee for testimony prepared and/or presented during the course of regular County employment.

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- C. Performing research, for private gain, into County records that would not be done for any member of the public requesting such information.
 - D. Expediting, for private gain, the payment of claims or processing of applications.
- IV. Any activity which is in conflict with the duties and responsibilities of the Department, including the following:
- A. Any outside employment which will impair the employee's independence of judgment as to his/her County duties.
 - B. Any outside activity which would require or induce the employee to disclose confidential information which was acquired in the course of his/her County duties.
 - C. Assistance to any person who may bid on a contract with the County by providing privileged financial or other information obtained as part of his/her normal job responsibilities.
 - D. Teaching and/or employment as a trainer is subject to pre-approval by the Director.
 - E. Referrals to the private sector for environmental health-related services shall be accomplished by providing customers with a list of firms providing these services.
- V. Any activity in which any 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, including:
- A. Employment, full-time or part-time, by any organization which is under contract to a County agency or Department.
 - B. Providing consulting services, for private gain, on a project which will be directly or indirectly regulated by this Department and/or for which work will be subject to the approval, review, control or audit by another employee, officer, board or commission of the County of San Diego.

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- VI. Any activity involving time demands which render the performance of County duties less efficient.
- A. Private work by a full-time employee which exceeds sixteen hours per week will be reviewed by the Director and/or the appropriate Division Chief if his/her performance evaluation is below standard.
- B. Any individual engaging in outside employment must complete and forward a Disclosure Statement (AUD 263) and Incompatible Activities Checklist (DEH 347) to his/her supervisor, who will forward the forms to his/her Division Chief for review and approval before forwarding to the Departmental Personnel Office at D-561.

STANDARDS AND GUIDELINES:

1. Director's Requirement to File Statement of Economic Interest:

The Director of the Department of Environmental Health is required by Administrative Manual Policy 0010-3 to complete a "Statement of Economic Interest" (Form 700) annually, by March 31st, and/or within 30 days of assuming office, leaving office, or changing economic status. The Director's Form 700 must be filed with the Clerk of the Board of Supervisors.

2. Director Determines Filing of Form 700:

The Director of the Department of Environmental Health is responsible for determining the DEH positions whose incumbents must complete Form 700.

3. Disclosable or Reportable Interests:

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

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

- Investments from sources within the County of San Diego
- Interests in real property and investments from sources within the County of San Diego
- Income from sources within the County of San Diego

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- Loans from sources within the County of San Diego
- Gifts from sources within or outside the County of San Diego
- Honoraria from sources within or outside the County of San Diego
- Business positions held in a business entity within the County of San Diego

4. Disclosure Statements:

- A. **Current Employees:** Each employee in the Department of Environmental Health 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 Statement within 10 work days of appointment.
- C. The Director will, on a semi-annual basis, complete and submit to the CAO a Disclosure Statement for review, approval, and retention.

5. Review of Disclosure Statements and Statement of Economic Interest:

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

In the Department of Environmental Health, the review of Disclosure Statements is delegated to the Division Chiefs and Personnel Officer or designees. Each Statement must be signed and dated to indicate that the review has been completed.

- A. Disclosure Statements Without Outside Activities: For Disclosure Statements without any outside employment activities indicated, the supervisor shall review, sign and date the form, and submit it to Personnel. In these cases, the Personnel Officer may delegate the reviewing, signing and dating of the Statements to a Personnel staff member.
- B. Disclosure Statements With Outside Activities: For Disclosure Statements indicating outside activities or potential conflicts, the Division Chiefs or designees must also sign and date the form. These Disclosure Statements will then be reviewed and, if approved, signed by the Director, Assistant Director, Personnel Officer or designee. In addition, individuals reporting outside activities must complete, or have on file, the

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Incompatible Activities Checklist (Form DEH 347).

C. Statements of Economic Interests will be reviewed and signed by the Director, Assistant Director, or Personnel Officer.

6. Failure to Submit Statement of Economic Interest/Disclosure Statements:

a. Employees who fail to submit completed forms in a timely manner may be subject to disciplinary action.

7. Investigation/Appeals:

a. Supervisors are responsible for reviewing Disclosure Statements submitted by subordinate staff, and investigating and reporting to his/her respective Chief any possible conflicts or incompatible activities. When a conflict is believed to exist, the supervisor shall submit evidence of his/her concerns to the appropriate Chief(s) or other manager(s) for discussion, to the Personnel Officer, and to the Appointing Authority for a final determination.

b. In accordance with Rule VIII of the San Diego County Civil Service Rules: "If an appointing authority determines that such employment, business activity or enterprise is inconsistent, incompatible, in conflict with, 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 appeal from an order of suspension, demotion or removal."

8. Personnel Section Reporting & File Retention Responsibilities:

The Personnel Officer has the following responsibilities:

A. Informs the Appointing Authority and maintains files regarding compliance with policy, potential conflicts, and other related issues.

B. Retains all forms for 2 years (including current year).

PROCEDURES:

A. Statement of Economic Interests:

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Personnel Section Issues Statement of Economic Interest (Form 700) to designated employees, other than the Director, within the first quarter of the calendar year.

Employee Completes and submits Statement of Economic Interest (Form 700) to respective supervisors by April 1st.

Chief/Designee

- a. Reviews and analyzes Form 700 for compliance with policy.
- b. Signs and dates Form or, if potential conflict is suspected, and takes action noted in Paragraph 8, above, within 3 business days of receipt of Form.
- c. Submits Form to DEH Personnel.

Personnel Section

- a. Reviews each Form 700 for completeness and compliance with policy.
- b. Initials and dates Forms, where no conflict is reported or suspected.
- c. Maintains master list of designated employees, posts receipt of Forms to master list, and ensures annual completion of Forms for designated employees assuming or leaving office.

B. Disclosure Statements:

Personnel Section: Issues Disclosure Statements (AUD 263) and instruction memos on a biannual basis, in the manner and timeframe prescribed. .

Employee: Completes Disclosure Statements on a biannual basis in the manner and timeframe prescribed.

Supervisor: Reviews, signs, and dates all Disclosure Statements. Statements without outside employment activities may be submitted directly to Personnel; statements reflecting outside employment activities shall be submitted to the Division Chief or designee for further review and signature, as appropriate.

Chief/Designee

- a. Reviews, signs and dates Disclosure Statements and submits to Personnel/Payroll.
- b. Refers potential conflicts to the appropriate Chief(s) and/or

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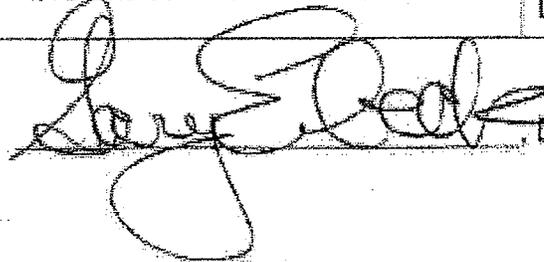
other manager(s) and Personnel Officer for review and appropriate corrective action, if needed.

- Personnel Section**
- a. Reviews Disclosure Statements for completeness.
 - b. Investigates potential conflicts with Chiefs, supervisors, and/or employees.
 - c. Posts the receipt of Disclosure Statements to master alpha list.
 - d. Ensures Disclosure Statement is completed for each current employee.
 - e. Files Disclosure Statements and alpha list.

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Approved:



Director

Date:

8/1/06

INCOMPATIBLE ACTIVITIES CHECKLIST
GUIDELINES FOR COMPLETION/REVIEW/APPROVAL

Please note that approval must be secured in advance of accepting any outside employment, unless the employment was obtained prior to hire with the County. In the case of the latter, approval must be secured promptly in order for the outside employment to continue. The employee must complete the Incompatible Activities Checklist as the first step in this process in order to ensure that the proposed work does not present any conflicts of interests, potential for, or appearances of, conflicts of interest, or involve activities incompatible with the responsibilities of the employee as a public servant.

The appropriate supervisors, Division Chief(s) and DEH Personnel must review the response to this Checklist, along with any other appropriate managerial parties. In all cases, the best interests of the public and the County must be considered when reviewing any request.

Please also note that many requests to work for agencies under contract with the County of San Diego, especially under contract to the Department of Environmental Health, are denied because of conflicts of interest and potential conflicts of interest, as are requests to engage in private/contractual work which is regulated or reviewed by the Department. When concerns arise, the Division Chief should contact management to discuss the appropriate action. DEH supervisors and managers are required to discuss this issue with all prospective employees, as well as clarify this subject with current employees in order to ensure that any outside activity for compensation is reviewed by the Department for compliance with current policy.

INCOMPATIBLE ACTIVITIES CHECKLIST

Name of Employee: _____

Classification: _____

YES NO

Is your County status either permanent full-time or permanent part-time?

Is your County status hourly (i.e., permanent hourly, intermittent or extra help)?

Please describe your duties and responsibilities relating to your County employment:

Please describe your duties and responsibilities relating to your Outside employment:

Is the outside employer subject to evaluation or audit by the County?

Is the outside employer subject to evaluation or audit by the Department of Environmental Health?
 If yes, by which Division?

If yes, do you work in this Division?

Is the outside employer in the same geographic location as your work location?

Where is your work site located? _____
 Street Address/City/State

Where is the outside employer located? _____
 Street Address/City/State

Does the outside employer provide same kind of services as DEH (i.e., percolation testing, tank, food inspections)?

Does the outside employer provide the same service to the same clients served by DEH?

Does the outside employer provide the same service to the same clients served by the Division where you work?

Does the outside employer provide the same service to the same clients served by you?

Would you be in a position to refer DEH clients to the outside employer?

List work days and hours of work each day of outside employment:

Supervisor's recommendation and signature:	Date
Division Chief's recommendation and signature:	Date
Dept. Head's recommendation and signature:	Date