

POLICY & PROCEDURE MEMORANDUM

TITLE: Incompatible Activities

IT IS THE POLICY of the San Diego County Parks and Recreation Department that, pursuant to Government Code Sections 1125-1127 and Board of Supervisors Resolution No. 41 dated February 29, 1972, the Director of the Parks and Recreation Department shall formulate rules specifying those activities for compensation, outside of County duties of the employees under the jurisdiction of the appointing authority, which are inconsistent and incompatible with their duties as County employees. Prohibited activities and reporting procedures are outlined in the following procedure.

PROCEDURE:

- I. **PROHIBITED ACTIVITIES:** The Parks Department 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.
- A. Any activity by an employee which involves the use for private gain or advantage of County time, facilities, equipment or materials, including the following:
1. Any outside employment which results in receipt of telephone calls or visitors by the employee while on duty at County employment.
 2. Any outside employment which utilizes County facilities or other County support.
 3. Any outside employment which interferes with an employee's ability to perform assigned County duties and tasks.
- B. 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, their agents or members of the public.
 2. Using official information not readily available to the general public, gained in the course of County employment, for private gain or advantage of the gain or advantage of another.
 3. Use of on-the-job public contact to promote or support in any way outside employment, such as direct soliciting, passing of business cards or any other form of advertising, or business referrals.
 4. Use of department uniform and badges for any activities other than assigned duties.

AUTHORIZED BY:

Alex A. Mart

DATE ISSUED/REV.

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- C. 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 duties as a County employee, including the following:
1. Any consultation work for a fee concerning the application or interpretation of orders of this department.
 2. Any remuneration for public services performed in the course of assigned County duties.
- D. 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 as to assigned County duties.
 2. Any outside activity, which will require or induce the employee to disclose confidential information acquired in the course of performing County duties.
- E. Any 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, unless approved by the Director, Parks and Recreation Department.
- F. Any activity which involves time demands, which render the performance of assigned County duties less efficient or effective.

II. REPORTING OF OUTSIDE ACTIVITIES:

- A. The determination of which outside employment or activities are incompatible, rests with the Director. Each staff member must notify the Director in writing of any outside activities engaged in for compensation prior to commencing those activities. The Director will render a decision promptly and will discuss reasons for declaring an activity incompatible.
- B. Each staff member is required to file and update, as needed, a "Disclosure Statement" card (Aud. 263) listing any and all outside employment or self-employment. Each person must file a card, even if not involved in any outside activities. Cards must be filed at least every six months, but must be updated immediately if any of the information changes.
- C. Each completed "Disclosure Statement" card shall be reviewed and signed by the Division Chiefs when submitted by their subordinates. The cards shall be kept on file in the Department Administrative Office. The Director will review all cards that have an activity listed.

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III. 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 or failure to disclose, may be cause for suspension, demotion, reprimand, transfer, or removal within the provisions of the Charter of the County of San Diego, and the Civil Service Rules. The provisions of Civil Service Rule VII as to notice and hearing shall be applicable to discipline imposed based on a determination that a classified officer or employee has engaged in any prohibited outside activity or has failed to properly disclose outside activities as required by these Rules.
- B. 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.

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