



PUBLIC WORKS POLICIES AND PROCEDURES

SUBJECT:	CONFLICT OF INTEREST OF INCOMPATIBLE ACTIVITIES	POL	HR-05	PAGE 1 OF 8
EFFECTIVE DATE:	6/2/93	REVISION DATE	7/31/26	SUNSET DATE 3/3/33

HUMAN RESOURCES

PURPOSE:

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

BACKGROUND:

The Board of Supervisors, pursuant to Government Code Sections 1125-1127, has adopted rules and regulations to govern the application of various state laws (e.g., Government Code Sections 1090, 1120, 1125-1127 and 87100, et seq.) concerning incompatible activities of County officers and employees. The Chief Administrative Officer's Administrative Manual Item 0010-3 requires that departments establish policies and procedures to ensure compliance. This policy replaces the previous policy, MS-01.

SCOPE:

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

POLICY:

It is the policy of the Department of Public Works (DPW) that the following activities are incompatible with County employment and are prohibited:

1. Any activity that involves use of County resources for private gain such as, use of County staff, equipment, vehicles, supplies, notes, records, maps, or other data for personal gain.
2. Any activity involving use of the badge, uniform, prestige, or influence

of the individual's County employment for private gain. In accordance with the County's Conflict of Interest Code, employees shall not seek or accept personal loans, gifts, gratuities, business, compensation, or favors from business firms or individuals who do business or seek to do business with the County or seek discretionary approvals from the County. Employees shall not use official information gained in the course of his/her County employment and not readily available to the general public, for private gain or for the gain or advantage of another.

3. Any activity involving receipt by the employee of money or other consideration for private gain from private parties for the performance of past or future acts the employee is expected to provide in the regular course of his/her duties as a County employee. This includes consultation work for personal fees or favor concerning:
 - a. The application or interpretation of policies, procedures, rules or regulations of the County,
 - b. Expediting the payment of claims or processing of applications,
 - c. Performing any research into County records.
4. Any activity that is in conflict with the duties and responsibilities of the employee. This includes:
 - a. Outside employment, including employment with another government entity or non-profit organization that will impair that employee's independence of judgment as to his /her County duties.
 - b. Any outside activity which will require or induce the employee to disclose confidential information acquired by him/her in the course of his/her County duties.
 - c. The provision of services or assistance to an individual or firm that may be used to facilitate bidding on or the formulation of a contract being awarded to that firm or individual.
 - d. Any outside activity 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, including employment by a contractor, firm or person who has been awarded a County contract.
5. Any activity, including employment with another government entity or non-profit organization, involving demands on the employee's time that render the performance of his/her County duties less efficient.

This includes outside employment resulting in physical or mental fatigue that interferes with the efficient performance of the employee's duties, or outside employment that interferes with the employee's ability to respond to an emergency.

6. Any outside employment or activity, including employment with another government entity or non-profit organization, that reflects unfavorably on the Department or the County of San Diego.

It is the policy of DPW that all employees of the Department shall also follow these directives:

1. Employees in DPW shall not perform any work that may compromise, or present the appearance of compromising, the independence and/or objectivity of the Department. Employees must immediately notify the Director in writing when they have a relationship to the applicant or have a financial interest in any permit application processed by this Department.
2. Employees of DPW are not permitted to perform private work that will conflict with work for the Department. Examples of such work may be employment with real estate firms, architects, land development firms, engineering firms, building contractors, planning consultant firms, or other firms doing work regulated by the Department.
3. Employees are required to disclose, immediately in writing to the Department Director, any County work assignments he/she receives that relate to any organization, property or activity in which he/she, or members of his/her immediate family has any direct or indirect financial interest.
4. Employees of DPW shall not engage in activities for personal or commercial gain during assigned work hours.
5. Employees shall not solicit or authenticate any private work or present themselves as a representative in the name of the Department for private gain. Employees must inform employers and/or clients that they are engaged only as private individuals when they are not working for the County.

Pursuant to this Policy, each employee of the Department is required to disclose outside activities:

Employee Responsibilities:

1. An employee is responsible for disclosing in writing to the Director any contemplated or existing activity, interest, or relationship that may violate the terms of this Policy or which could impair his/her objectivity, judgment, effectiveness, or productivity as an employee of the Department. This includes employment by another government entity or non-profit organization.
2. An employee is required to take the initiative in disclosing activities whenever a potential or apparent conflict exists, rather than relying on prompting by management. Through this action, the employee protects his/her own interest as well as those of the Department.
3. Failure of an employee to disclose an actual or potential conflict of interest may be interpreted by management as intent not to disclose and, therefore, may be grounds for discharge or other appropriate action.

Management Responsibilities:

All managers are responsible for ensuring that employees under their supervision are familiar with this Policy and for promoting compliance with the Policy.

PROCEDURES:

A. EMPLOYEE DISCLOSURE

1. **New Employee Disclosure:** 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 Public Works Supplemental Disclosure of Outside Activities Form (PW 100) will also be required, if the employee discloses information that he/she has an existing activity outside the county. Employees in certain designated positions also are required to complete a Statement of Economic Interests Form 700.
2. **Semi-Annual Employee Disclosure:** Semi-annually, the office of Auditor and Controller will distribute a Disclosure Statement Card (AUD 263) to each employee of the Department with pay warrants.

- a. The employee will complete the form and submit to his/her immediate supervisor.
 - b. Supervisors will review the AUD 263 form, sign where indicated and forward it to the Personnel Office.
 - c. If there is a disclosure on the AUD 263 form, the Personnel Office will send the employee a PW Supplemental Disclosure of Outside Activities Form (PW 100) to fill out and return to the Personnel Office within two weeks.
 - d. The supervisor will review PW100 to ensure that adequate information on which to base a decision is provided.
 - e. The supervisor will sign and forward PW 100 to the Deputy Director or Assistant Director for review and resolution in accordance with the resolution procedure outlined below.
 - f. Employees are required to promptly notify the Department of any changes in circumstances that may require modification of previously filed statements and are responsible for contacting the Personnel Office to obtain the forms needed to initiate review of the matter by the Department. Employees are expected to take an active role in reporting potential conflicts and may not wait until forms are distributed on a semi-annual basis to report known conflicts.
3. Annual Disclosure by Employees in Designated Positions: Employees in Designated Positions (Attachment A) shall complete the Statement of Economic Interest Form 700 and submit to the Personnel Office.
- a. Annually, the Personnel Office will provide instructions for timely completion of Form 700 by designated employees.
 - b. Upon receipt of Form 700 forms, HR will cross check to ensure those who disclosed outside employment on the AUD 263 form disclose the same outside employment information on the Form 700 and rectify any inconsistencies.

B. RESOLUTION PROCEDURE

1. If, after review, the decision is that no conflict of interest or incompatible activity exists, the Deputy Director or Assistant Director will promptly sign the Disclosure of Outside Activities Form (AUD 263), notify the employee, 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 or incompatible activity:
 - a. The Director will determine the action required to resolve the conflict of interest or incompatible activity and promptly communicate it to all concerned parties.
 - b. Within a reasonable time period, as determined by the Director, the employee will provide substantiation that the action required to resolve the conflict of interest or incompatible activity 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.

C. ADMINISTRATION

1. The DPW Personnel Office will monitor and administer the disclosure process.
2. One Senior Department Human Resources Officer (DHRO) is assigned the individual responsible for overseeing the distribution, collection, review, approval, retention, and follow-up of the AUD263, Incompatible Activities Supplemental Form (PW 100), with a second Senior DHRO as backup.
 - a. The Senior DHRO, or their DHRO designee, is designated the single point of contact to address employee questions.
 - b. All disclosures will be systematically tracked. An individual Departmental Human Resources Officer (DHRO) will be assigned to each division with the responsibilities for overseeing the distribution, collection, review, approval, retention, and follow-up of the AUD263 and PW-100 forms for those within their purview. Status will be tracked weekly and reported to the Senior DHRO. If the DHRO is experiencing issues or obstacles, they will report to the Senior DHRO, who can in turn report the issue to the Assistant Director.
 - c. The Senior DHRO is responsible for completing a final check to ensure 100% completion.
3. 100% completion will be reported to the Assistant Director.
4. If a Countywide process becomes available to centralize and streamline the completion, tracking, and retention of AUD263 Forms, DPW will follow that process.

REFERENCES:

Civil Service Rule III
Chief Administrative Officer Administrative Manual Item 0010-3

ATTACHMENTS:

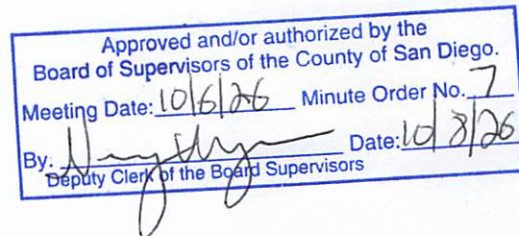
Conflict of Interest or Incompatible Activities Supplemental Form
Disclosure Categories for Designated Positions

APPROVED BY:

Marisa Barrie

Digitally signed by Marisa
Barrie
Date: 2026.08.03
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MARISA K. BARRIE, PE, DIRECTOR





CONFLICT OF INTEREST OR INCOMPATIBLE ACTIVITIES SUPPLEMENTAL FORM – PW100

Per the Department of Public Works, Policy HR-05, Conflict of Interest or Incompatible Activities, employees are prohibited from engaging in any outside employment or activity that is incompatible with their duties as County employees. Please answer the following questions related to the policy:

1. Do you perform any work that may compromise, or present the appearance of compromising, the independence and/or objectivity of the Department?
Yes No
2. Do you perform private work for real estate firms, architects, land development firms, engineering firms, building contractors, planning consultant firms, or other firms doing work regulated by the County?
Yes No
3. Are any of your County work assignments related to any organization, property or activity in which you, or members of your immediate family have any direct or indirect financial interest?
Yes No
4. Do you engage in activities for personal or commercial gain during assigned work hours?
Yes No
5. Do you have any contemplated or existing activity, interest, or relationship that could impair your objectivity, judgment, effectiveness, or productivity as an employee of the Department, including employment by another government entity or non-profit organization?
Yes No
- 5a. If "Yes," have you disclosed this in writing to the Director?
Yes No
6. Do you understand that an employee is required to take the initiative in disclosing activities whenever a potential or apparent conflict exists, rather than relying on prompting by management?
Yes No
7. Do you understand that failure to disclose an actual or potential conflict of interest may be interpreted by management as intent not to disclose and, therefore, may be grounds for discharge or other appropriate action?
Yes No
8. Do you present yourself as a representative in the name of the Department for private gain?

Print Name

Signature

Date