
EMPLOYEES CONDUCT

I. Outside/Additional Employment

- A. The San Mateo County ordinance allows full-time employees to engage in outside employment which is consistent, compatible and not in conflict with their County Employment provided prior written approval is obtained from the Department Head.
- B. Outside employment, if approved, is limited to a maximum of 20 hours per week.
- C. The County-wide limit of 20 hours per week on outside employment (Ordinance Code 2.75.070), may be waived by Department Heads on a case by case basis. The decision of the HSA Director or her designated representative in approving or denying requests for outside employment, including any request in excess of 20 hours per week, is final.

Outside Employment

Ordinance Code Section 2.75.070 limits outside employment for full-time employees to 20 hours per week. **The basis of this restriction is that the County is the primary employer and, as such, must be able to rely on the availability of the employee and must be confident of the employee's ability to function in a fully satisfactory capacity.** Working a significant number of hours at another job may adversely impact an employee's performance and attendance in their County position, as well as their availability for overtime.

The Department Head's decision to approve or disapprove requests for outside employment, as well as their decision to waive or not waive the 20-hour limits is final and is not subject to the negotiated grievance procedure.

1. Employees are advised that they must seek approval for all outside employment (regardless of the number of hours worked) by completing and submitting a form requesting approval for outside employment. Employees should be advised that requests will be considered for approval after reviewing the following factors:
 - o The demands of the County position
 - o The nature of the outside employment and its potential conflict with the County position
 - o The employee's performance
 - o The employee's attendance record

All employees already engaged in outside employment at the time of the adoption of this policy, as well as those wishing to engage in outside employment, must complete and submit the form for review.

2. After the initial distribution, the form should be incorporated into materials provided to new employees, and the department intends to issue an **annual** reminder to current employees of the need to submit the form for review if they wish to engage in outside employment or if the nature or hours of their approved employment change.
3. Each Department Head or his/her designee will review the requests and consider them for approval/denial based on the factors outlined in paragraph #1 above. The Department Head's decision shall be final.
4. Approved outside employment may be rescinded by the Department Head at any time there are documented performance or attendance problems or if there is a change in the demands of the employee's County position. The Department Head's decision shall be final.

EMPLOYEES CONDUCT, continued

II. Incompatible Activities

- A. All employees shall control their outside activities to comply with San Mateo County Ordinance restrictions that:
- No employee shall use County time, facilities, equipment or supplies, or the influence or prestige of the employee's position for personal profit or advantage.
 - No outside employment, activity, or enterprise shall involve the receipt or acceptance of money or other consideration from any person or agency other than the County of San Mateo for the performance of an act which is otherwise required of the employee as part of his/her regular County duties. This does not preclude an employee from engaging in part-time employment, an activity or enterprise in a similar profession or line of work as he/she performs for the county, with the written approval of the Department Head. Such approval is subject to review and change if the needs of the department change or if the employee's classification and/or responsibilities change.
 - No outside employment, activity or enterprise shall require such time demands as would result in less proficient performance of his/her County duties. In addition, Section 2.75.070 of the San Mateo County Ordinance Code limits the outside employment of any employee holding a full-time position with the County, except as provided therein.
 - No employee shall engage in any outside employment, activity, or enterprise if it involves the performance of an act which is currently, or if the employee has reason to believe that in the future, may be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the employee or any other officer or employee in this department. Exceptions to this rule may be granted with the written approval of the Department Head.
 - No employee shall engage in any outside employment, activity or enterprise with any person, agency or organization that is under contract to provide services to the County of San Mateo, if the employee has a direct or indirect role in awarding contracts. Exceptions to this rule may be granted with the written approval of the Department Head.
 - No employee shall hold ownership interest in any enterprise which is under contract to provide services to the County of San Mateo if the employee has a direct or indirect role in awarding the contract. Any employee holding such ownership interests at the time of the adoption of these rules shall report such ownership to the Department Head within ten calendar days of the adoption of these rules and shall take immediate action to divest himself/herself of such ownership. Exceptions to this rule may be granted with the written approval of the Department Head.

EMPLOYEES CONDUCT, continued

- Employees shall not serve on any board, committee, or similar body of any agency or organization which contracts with the County, receives funding from the County, or receives referrals or any other benefit from the County. Exceptions to this rule may be granted with the approval of the Department Head. Persons serving in such capacity when these rules are adopted shall report that fact and request an exception, in writing, to the Department Head within ten calendar days of the adoption of these rules. Exceptions may be granted with the written approval of the Department Head.
 - Employees shall not engage in any outside employment which involves the use of any information which could be obtained from the department or which is confidential or client specific.
- B. Violation of any of the above may be grounds for suspension, demotion, reprimand, transfer, or dismissal. Pursuant to sections 2.75.040 and 2.75.050 of the County's Ordinance Code, employees shall be notified of these Departmental Rules Governing Incompatible Activities, shall be notified if they are alleged to have violated such rules, and shall have a right to appeal any such discipline as follows:

Classified employees - The provisions of Civil Service Rule XIV as to notice and hearing shall be applicable to discipline imposed after a determination that a classified officer or employee has engaged in an incompatible activity or prohibited outside employment to the extent such classified officer or employee would otherwise be entitled to an appeal of such discipline under the provisions of the Charter or the rules of the Civil Service Commission.

Unclassified officers/employees - Any unclassified officer or employee may, upon being notified by the Department Head or his/her designee that said officer or employee has engaged in an incompatible activity or prohibited outside employment, may request a hearing before the Department Head, and such hearing shall be given to said officer or employee within a reasonable time. The purpose of such hearing is to permit the officer or employee to present evidence or argument in opposition to, or in mitigation of, the determination that he/she has engaged in an incompatible activity or prohibited outside employment. Such hearing is not a formal hearing and no witnesses will be allowed to testify, nor will any questioning or examination of individuals be allowed. Participation in any incompatible activity or prohibited outside employment by an unclassified employee or officer may be cause for discipline including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal; provided that if disciplinary action is taken against an unclassified officer or employee on the ground that said officer or employee has engaged in an incompatible activity or prohibited outside employment, said officer or employee may appeal the determination of the Department Head to the Committee on Incompatible Activities, which Committee shall inquire into the facts surrounding said disciplinary action, and shall thereafter make a recommendation to the Department Head on the question of whether the proposed disciplinary action should be taken. Said Committee recommendation shall not be binding on the Department Head and nothing this policy is intended to interfere with a Department Head's authority to impose discipline on officers or employees including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal. Should a Department Head reject the Committee's recommendation and impose discipline on an officer or employee, such discipline shall not constitute a violation of the policies set forth herein.