



PERSONNEL RULES

EMPLOYEE RESPONSIBILITIES OUTSIDE EMPLOYMENT & INCOMPATIBLE ACTIVITIES

§1406

Overview: Tehama County recognizes employees may want to engage in outside employment. Employees of Tehama County are permitted to engage in outside work, subject to certain restrictions.

Applicable to: All employees

Definitions: Incompatible activities – Any activities prohibited under the Guidelines section of this Rule.

Outside employment – Any work or service, other than County employment, for which the employee accepts compensation, including, but not limited to, other paid employment, self-employment, or an ownership interest in a private business

Volunteer Service - Any work or service for which the employee does not accept compensation, usually provided in the form of labor for a community event or organization.

Guidelines: The County is considered the primary employer. An employee's outside employment and volunteer service may be restricted if:

- The employee uses County time, facilities, equipment, supplies, property, vehicles, tools, badge, uniform, influence, certificates/licenses provided under or sponsored by Tehama County, or prestige of the employee's position for personal profit or advantage.
- The employee performs any work, service, or counsel that involves the receipt or acceptance of money or other consideration from any person or agency other than the County for the performance of an act that is required of the employee as part of their regular County duties.
- The employee performs any act in other than his/her capacity as a County employee which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the County and there is likelihood of potential favoritism, selective enforcement, or misuse of County information. An example of this would be to serve on a steering committee or board of a public or private foundation which is funded, contracted, or administered by a County agency.
- It results in poor job performance, absenteeism, tardiness, or unnecessary distractions such as communications during paid work hours.
- It involves the availability of County information which would not be available to the general public.
- It improperly represents the service provided as a service of the County or as endorsed by the County.
- It implies the employee will use his/her position with the County to further the interests or goals of an individual, company, or firm in doing business with the County.
- It involves activities rendered to County clients for private compensation which are expected to be rendered in the course of duties of the County employee.
- The service is one mandated by the County as part of a treatment or punitive program. An example of this would be for a County employee to mandate counseling as treatment under a County drug and alcohol recovery program, and then providing the counseling as a private practitioner.

Procedure: Responsibilities for implementation, application, and enforcement of this rule are listed below.

Employee **Notice to Department Head**

Employees who wish to engage in outside employment or volunteer work that is substantially similar in nature to their County employment, or possibly creates a conflict of interest shall submit a completed Request to Approve Outside Employment form to their Department Head prior to engaging in such activity. Department Heads who wish to engage in outside employment shall submit a completed Request to Approve Outside Employment to the Chief Administrator. Employees who were engaged in outside employment prior to the creation of this Rule must submit a completed Request for Outside Employment form to their Department Head within 30 working days of receiving notice of the approval of this Personnel Rule.

Receipt and filing of the Request to Approve Outside Employment form does not constitute approval of such outside employment by the Department Head. The Department Head will provide approval or denial of the request in writing to the employee within 10 working days.

The employee's failure to provide notification as required may be cause for disciplinary action pursuant to the provisions of this Personnel Rule. An employee's failure to comply with a written order to cease outside employment or volunteer services may be cause for disciplinary action.

If request is approved:

Any County employee who is a member, officer or director of a corporation, including non-profit, shall recuse him/herself from any involvement in establishing or influencing any contractual relationship between the County and the corporation, including making or influencing decisions regarding whether to enter into a contractual relationship, procurement, contract drafting or negotiation, or monitoring of the contractor's performance, unless statutorily authorized to do so.

If request is denied:

Employees shall have the right to appeal an order to cease outside employment by submitting an appeal in writing to the review committee by way of the Personnel Director. The written appeal must be submitted within 10 working days of the employee's receipt of the order to cease outside employment. The appeal should present evidence or argument in opposition that the employee is engaging in incompatible activities.

Department Head Upon receipt of a Request to Approve Outside Employment form, the Department Head will review the request for potential interference with the employee's performance of his/her regularly assigned job duties and compliance with this Personnel Rule. The nature of the employee's proposed secondary employment cannot in and of itself prevent an employee from being allowed to pursue the secondary employment. The Department Head shall notify the employee, in writing, within 10 working days of receipt of the request whether the request has been approved or denied. If the request is denied, the Department Head shall provide reasons for such decision.

If the Department Head believes that the secondary employment has caused the employee's overall work performance to drop below a satisfactory performance level, the supervisor must first approach the matter with the employee as a performance issue and provide the employee adequate time to demonstrate improved performance.

If, within a reasonable period of time, the employee's performance continues to be below satisfactory, and if the Department Head believes that the secondary employment is the cause of these performance problems, the Department Head may deny the employee's secondary employment. The Department should allow the employee a reasonable amount of time to give notice of termination to the secondary employer. An employee's refusal to end his/her secondary employment as directed by this rule is considered a matter of personal misconduct and may be subject to disciplinary action, up to and including dismissal.

A Department Head may order an employee to cease working at any volunteer work or outside employment, if the employment is in violation of any of the provisions of this Rule. The Department Head may immediately demand suspension of the outside employment pending the final determination of the incompatibility.

Personnel The Personnel Department will place any requests, approvals, denials, or appeals for Outside Employment in the employee's personnel file.

Review Committee The Personnel Director, Chief Administrator, County Counsel, and a Department Head not involved in the matter shall act as a review committee in the event an employee is denied outside employment/activities and wishes to appeal. The review committee will review the order to cease outside employment, and the employee's written appeal. The review is not a formal hearing. The review committee must provide a recommendation within 10 working days of receipt of the written appeal. The committee recommendation is not binding on the Department Head and nothing in this policy is intended to interfere with a Department Head's authority. Should a Department Head reject the committee's recommendation, and require that the employee cease the outside employment and/or activity, such action would not constitute a violation of this Personnel Rule.

Required Forms: Request to Approve Outside Employment

References: Govt. Code §1125-1126, §1090, §19990; Tehama County Conflict of Interest Policy

Effective Date: TBD

The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.