



ADMINISTRATIVE PROCEDURE

SUBJECT: OUTSIDE EMPLOYMENT	Number <u>I-27</u>	Effective Date: Issued: <u>09/15/2000</u> Revised: <u>03/25/2020</u>	Page 1 of 5
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PURPOSE:

To establish guidelines on outside employment and to ensure that employees engaging in outside employment do so in a manner consistent with the District's Code of Ethics and take whatever steps are necessary to safeguard and protect the reputation of the District. It is the District's intent to avoid circumstances where the public could reasonably conclude that employment of an individual, or award of a contract to a company in which the employee could personally benefit, was the result of undue advantage or influence.

DEFINITION

Outside Employment: Any kind of secondary employment, self-employment, or other outside business activities (including but not limited to service as an independent contractor) for which the employee receives or expects to receive some form of monetary or beneficial compensation, whether by salary, stipend, wages, commission, dividends and/or by a sale of a product or service, when such work is in addition to employment at the District. Even minimal time spent in such activity is considered outside employment.

POLICY:

Each regular-status, full-time District employee shall devote full-time attention and efforts to conducting duties on behalf of the District. District employees shall not engage in any activity relating to outside employment during regular hours, overtime hours, on-call responsibilities, and/or while on District premises or property. Part-time and temporary employees are exempt from having to obtain approval to engage in outside employment but must adhere to the same ethical standards of behavior and conduct as full-time employees. No District emblem, badge, uniform or other identification shall be worn by an employee while employed outside the District.

Government Code Section 1126, Incompatible Activities, provides the District with the authority to determine the compatibility of an employee's outside employment with their District employment, consistent with the requirements set forth on the next page. The District reserves the right to require an employee to discontinue any outside employment deemed to be incompatible or inconsistent with employment with the Contra Costa Water District.

District employees will not engage in outside employment that may be incompatible with or in conflict with the employee's work responsibilities or employment with the District or may otherwise interfere with the employee's ability to perform District work. The following categories of outside employment are examples of work that is inconsistent with, incompatible, or in conflict with District employment. These examples are provided for illustrative purposes only and do not constitute an exhaustive listing of prohibited conduct. An employee's outside employment, activity, or enterprise is prohibited if it involves:

1. The use of District work time, funds, facilities, property, equipment (such as telephones, cars, trucks, fax machines, mail services, copiers, computers and associated software, supplies, etc.), customer information, or the services of any District employee while on duty.
2. Any outside employment or enterprise with any person, agency, or organization that provides, or seeks to provide, goods or services to the District.
3. The use of any confidential information, which could be obtained from the District.
4. Using District employment to solicit referrals, business, prestige, or influence for the employee's outside employment, including but not limited to using any name, address or telephone number of any person, agency or other entity obtained through employee's District employment.
5. The performance of an activity which is currently, or which the employee has reason to believe may in the future be, directly or indirectly subject to the control, inspection, review, audit, or enforcement by the employee or any other District employee(s). Examples of prohibited activity such as, but not limited to:
 - a. an employee who reviews landscape designs for compliance with conservation guidelines could not also work for that landscape designer or that property owner;
 - b. an employee could not assist in the preparation of a bid for a contractor who is bidding on a District contract; and
 - c. an employee could not receive payment from a neighborhood association to prepare a petition about water service in their area.
6. Time demands or other requirements that, in any way, diminishes the employee's ability to perform work for the District and/or diminishes the quality of work as a District

employee, or disrupts or interferes with an employee's work schedule, or compensated on-call schedule.

7. The employee receiving money, gratuities, gifts, benefits or other compensation from anyone other than the District for the performance of an act which the employee would be required or expected to render in the regular course of employment at the District, such as:
 - a. a supervisor responsible for grant applications is hired by other agencies to prepare and lobby for grants; and
 - b. an employee who does computer training for the District is hired by a contractor to provide computer training to District employees.
8. Work with another entity, which is considered a conflict of interest, or could be perceived to involve a conflict of interest with the District's mission, role and/or responsibility as a public water utility.

PROCEDURES:

1. District employees will receive this Administrative Procedure prior to their initial hiring orientation with the Human Resources & Risk staff. New regular-status, full-time employees engaged in outside employment must obtain approval to continue the outside employment within one week of their hire date if they have any reason to believe their outside employment may be inconsistent, incompatible or in conflict with their duties as an employee of the District as specified in this policy.
2. District employees must submit a new Outside Employment Certification Form within one week when the employee's work duties, work schedule or other circumstances of the outside employment change from those originally submitted.
3. The District reserves the right to periodically review the client lists of employees who are engaged in outside employment to avoid conflicts of interest. Upon request by the District, a District employee must submit a current client list for stated review purposes. Such clients shall remain confidential, except as may be affected by legal action.

RESPONSIBILITIES:

1. All District employees have the responsibility to:

- a. Notify the District if their outside employment activities *may* be inconsistent, incompatible or in conflict with their duties as an employee of the District as specified in this policy. The employee will provide information to their immediate supervisor concerning their outside employment activity, including but not limited to the identity of the person and type of activities for which outside services are performed, duration of such activities, and times and hours when such activities are performed.

As a standard to evaluate their outside employment, employee must be able to demonstrate that outside employment is not in conflict with the duties, functions, or responsibilities of employment with the District. Additionally, the District has the right as the primary employer to request information of an employee if it is believed that the employee has a conflict with outside employment.

- b. Immediately notify the Department Head (the General Manager, if the outside employment is that of a Department Head or Assistant General Manager) whenever a matter assigned to the employee by the District relates to any act undertaken by the employee while engaged in outside employment. For instance, the District has assigned an employee to inspect the cause of a broken water main immediately beneath an area that the employee recently landscaped as part of their outside employment. The employee must obtain approval from the Department Head (or the General Manager if the outside employment is that of a Department Head or Assistant General Manager) to proceed with such an assignment. In an emergency requiring the employee to proceed immediately with the assignment, the employee must report the action and its linkage to their outside employment within 48 hours after the event.
 - c. Failure of an employee to disclose information about outside employment as set forth above may result in disciplinary action that could include termination of District employment.
2. Regular-status, full-time employees are required to submit an Outside Employment Certification Form to their Department Head before accepting and/or engaging in outside employment. Assistant General Managers and Department Heads will submit an Outside Employment Certification Form to the General Manager, as applicable.
 3. In all situations when an employee does have outside employment, the General Manager and Department Head have the responsibility to:

- a. Review completed Outside Employment Certification Form, whether initial or due to changes in existing outside employment. If the Department Head, or General Manager determines that the existing outside employment of a newly hired employee, or if an employee who has submitted a revised Outside Employment Certification Form is not compatible with their District employment, the employee will receive at least 30 days' notice that they must discontinue the outside employment. The employee will also be reminded that failure to do so may result in disciplinary action, possibly including termination of employee's employment with the District.
4. The Human Resources & Risk Manager has the responsibility to:
- a. Monitor compliance of this Administrative Procedure and assist departments and divisions with implementation.
 - b. Maintain copies of all Outside Employment Certification Forms that are submitted in the employee personnel files, as well as the written notice of any directive to discontinue outside employment deemed to be incompatible.

APPEAL PROCEDURE

District employees, with the exception of Unrepresented employees, may appeal disciplinary action taken for noncompliance with this Administrative Procedure consistent with existing grievance procedures as set forth in the applicable Memorandum of Understanding or Employee Agreement for the particular unit of which the employee is a member. Employees may appeal denial of an Outside Employment Certification to the Assistant General Manager – Administration. The General Manager's rejection of an Outside Employment Certification Form from Unrepresented employees is not subject to appeal.

APPROVED:



Stephen J. Welch
General Manager

Attachment: Exhibit A – Outside Employment Certification Form