PURPOSE:

The Mission of the Contra Costa Water District is to strategically develop, maintain and enhance water resources at the lowest possible cost. It is essential that employees acting for or on behalf of the Contra Costa Water District adhere to the ethical principles referenced in the Contra Costa Water District Code of Regulations section on ethical conduct (Chapter 3.36.040). According to the “Code of Ethics,” District employees are expected to behave in a manner that demonstrates: 1) Good faith; 2) Maintenance of the public trust, interest, accountability and respectability; 3) Use of independent judgment; 5) Honesty, loyalty, fairness; caring respect and concern for others; and 5) Excellence in service to customers and in performance of their duties.

The purpose of this Administrative Procedure is to establish guidelines on outside employment consistent with Board policy, and to ensure that employees engaging in outside employment do so in a manner consistent with the District’s Code of Ethics. 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 is an owner, was the result of undue advantage or influence by the employee.

DEFINITION

“Outside Employment” is defined as any kind of 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 pay, whether by salary, wages, commission, dividends and/or by a sale of a product or service, when such work is carried on in addition to employment at the District. Even minimal time spent in such activity is considered outside employment.

POLICY:

Any employee who engages in employment outside of the District, must evaluate that said employment is not inconsistent, incompatible, in conflict with, or harmful to duties as a District employee or with the duties, functions, or responsibilities of the District.

Full-time District employment is the primary employment of District employees. Each full-time District employee shall devote full-time attention and efforts to conducting his or her duties on behalf of the District. District employees shall not engage in any activity relating to outside employment during District work time, and/or while on District premises or property.
Government Code Section 1126 (Exhibit A) provides the District with the authority to determine the compatibility of an employee’s outside employment with his/her District employment, consistent with the requirements set forth below. The District reserves the right to require an employee to discontinue any outside employment it deems to be incompatible or inconsistent with employment with the Contra Costa Water District. 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.

Covered District employees shall 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 inconsistent with, incompatible, or in conflict with District employment. These examples are provided for illustrative purposes only and do not constitute a complete listing of prohibited conduct. An employee’s outside employment, activity, or enterprise is prohibited if it:

1. Involves the use of District work time, funds, facilities, property, equipment (such as telephones, cars, trucks, facsimile machines, mail services, copiers, computers and associated software, supplies, etc.), or the services of any District employee while on duty.

2. Involves any outside employment or enterprise with any person, agency, or organization that provides, or seeks to provide, goods or services to the District.

3. Involves the use of any confidential information, which could be obtained from the District.

4. Involves using District employment to solicit referrals or business 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. Involves 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. Involves 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. Involves 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 who is hired by other agencies to prepare and lobby for grants;

b. an employee who does computer training for the District is hired by a contractor to provide computer training to District employees.

8. Involves 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 a copy of the Outside Employment Administrative Procedure during their initial hiring orientation with the Human Resources Benefits Analyst and as part of the Employee Handbook.

2. District employees engaged in outside employment on the effective date of this Administrative Procedure must submit a CCWD Outside Employment Certification Form within 30 days of the effective date of this Administrative Procedure.

3. A District employee must submit a new CCWD Outside Employment Certification Form (Exhibit B), specified in paragraph 2 above, whenever employee’s work duties, work schedule or other circumstances of the outside employment change from those originally submitted.

4. 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.
RESPONSIBILITY:

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 CCWD as specified in this policy. The employee shall provide information to his/her immediate supervisor concerning his/her 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 primary employer to request information of an employee if it is believed that the employee has a conflict with outside employment.

   b. Submit a CCWD Outside Employment Certification Form to their Department/Division Manager before accepting and/or engaging in outside employment. Assistant General Managers and Department/Division Managers shall submit a CCWD Outside Employment Certification Form to the General Manager.

   c. Immediately notify his/her Department/Division Manager (the General Manager if the outside employment is that of a Department/Division Manager 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 his/her outside employment. The employee must obtain approval from the Department/Division Manager (the General Manager if the outside employment is that of a Department/Division Manager or Assistant General Manager) to proceed with such assignment. In an emergency requiring the employee to proceed immediately with the assignment, the employee must report the action and its linkage to his/her outside employment within 48 hours after the event.

   d. Failure of an employee to disclose information about outside employment as set forth above will result in disciplinary action that may include termination of District employment.
2. General Manager and Department/Division Managers have the responsibility to:

   a. Review completed CCWD Outside Employment Certification Forms, whether initial or due to changes in existing outside employment. If the Department/Division Manager, or General Manager determines that the existing outside employment of a newly hired employee, or the existing outside employment of an employee who has submitted a request under the procedures section in paragraph 3 above, is not compatible with his/her CCWD employment, the employee shall receive 30 days’ notice that he/she must discontinue the outside employment. The employee will also be reminded that failure to do so will result in disciplinary action, possibly including termination of employee’s employment with the District.

3. Human Resources Division has the responsibility to:

   a. Monitor compliance with this Administrative Procedure and assist departments and divisions with its implementation.

   b. Maintain copies of all CCWD Outside Employment Certification Forms that are submitted, 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 Procedure consistent with existing grievance procedures as set forth in the applicable Memorandum of Understanding for the particular bargaining unit of which the employee is a member. Employees may appeal denial of an Outside Employment Certification to the AGM-Administration. The General Manager’s rejection of CCWD Outside Employment Certification Forms from Unrepresented employees is not subject to appeal.

**Approved:**

Walter J. Bishop
General Manager

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**Attachments:**

- Exhibit A - Government Code Section 1126, Incompatible Activities
- Exhibit B - CCWD Outside Employment Certification Form