

3-01/060.30 - Department Approval of Outside Employment

California Government Code 1126(a) states:

“Except as provided in Sections 1128 and 1129, a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.”

Any full time permanent employee who is engaging in or in the process of engaging in outside employment activities is required to immediately report this information to their unit commander or designee and submit the necessary forms requesting approval. Approval shall be requested by completing a Requested for Approval of Outside Employment form (SH-AD-136), an Outside Employment Admonition (SH-AD-635), and an Employee Report on Outside Employment Activities of Full-Time, Permanent County Employees (SH-AD-651). Additional forms may be required for employment in the fields of security and teaching.

Unit commanders shall within ten business days of receiving a request for approval of outside employment advise the employee of this request's approval or denial. Unit commanders reviewing a request for approval of outside employment shall determine if the employee's personnel folder has been reviewed to ensure that the applicant will not be in violation of any regulations if permitted to engage in the employment. Specifically, the unit commander shall ensure the employment could not be considered a conflict of interest. In evaluating requests for approval to work outside employment, the Department has the authority to approve, disapprove, and/or impose limits on the maximum number of hours the employee may work. After reviewing all of the information it is determined the outside employment will not violate any regulations, the unit commander may approve the outside employment.

Copies of this manual section, the Request for Approval of Outside Employment form (SH-AD-635), and Manual of Policy and Procedures sections 3-01/060.30, Prohibited Employment, 3-01/050.85, Fraternalization, and 3-01/050.86, Prohibited Associations, shall be given to the employee upon approval of outside employment. The original SH-AD-635 shall be placed in the employee's unit personnel folder.

Unit commanders shall not consider or approve any application for outside employment if in conflict with sections 3-01/060.30, Prohibited Employment, 3-01/050.85, Fraternalization, and 3-01/050.86, Prohibited Associations, or if in violation of the following or any of the following apply:

- Members may not engage in outside employment without authorization from their unit commander;
- Members on probation may not engage in outside employment;
- The employee is currently working with a less than competent performance evaluation;
- The job, by its nature, schedule or extent, might impair, inhibit, or interfere with the employee's performance, efficiency, and/or effectiveness in the county service;
- The maximum number of hours an employee may engage in outside employment shall be 24 hours per week. This is the maximum limit, and individual circumstances may dictate a much lower limit);
- The duties are incompatible and involve a conflict of interest with the employee's regular duties or the functions or responsibilities to the Department;
- The job is directly or indirectly related to skills, knowledge, reputation, or prestige possessed by the employee solely as a result of his employment with the Department. (Specifically, no employee or any

employer or business associate of a member may represent formally or informally that their product or service has any connection with, or is supervised, performed by, etc., a county or district employee.);

- The outside employment requires permissions or legal authorizations specifically afforded to public safety personnel (e.g., member shall be armed for outside employment, but member does not possess a Carry Concealed Weapons (CCW) permit and/or exposed firearms permit issued by the California Department of Consumer Affairs;
- The employer is a person, firm, or agency licensed by the county for which this Department would have investigative responsibility;
- County time, property, tools, records, confidential information, vehicles or buildings are used in conjunction with the employment; and/or
- The employer is a county contractor.

EXCEPTION: In special situations where the interests and welfare of the Department, as well as the employee, are benefitted, an administrative decision will be made based on the circumstances.

Unit commanders may suspend or withdraw approval for outside employment any time a conflict with, or a violation of, any outside employment policies are identified. Such suspension/withdraw of approval shall require a timely notification to the employee in writing, identifying the reason(s) the approval is being suspended/withdrawn.

Secondary employment shall not be performed during an employee's medical or family leave of absence. An exception will be made for family leave when it is taken to care for a family member for whom the employee already receives In-Home Supportive Services (IHSS) compensation, or if the employee is legally obligated to provide IHSS. Additionally, secondary employment may be suspended for an employee off on sick leave, injury, or limited-duty status, until the employee provides medical certification that their outside employment will not exacerbate their injuries or illness. Upon returning to full duty, a unit commander may also request the same written authorization from an appropriate medical authority stating the secondary employment activity will not aggravate the injury or prolong the employee's recovery.

Nothing in this policy shall limit or cause the denial of military leave for employees enlisted in the armed forces of the United States, as covered in the Manual of Policy and Procedures section 3-02/030.10, Military Leave.

See the Personnel chapter for additional information regarding outside employment.
