

## Rules Governing Outside Employment of Employees in the Retirement (SamCERA) Department

In accordance with section 2.75.020 of the San Mateo County Ordinance Code, each department head is to adopt for their departments rules regarding incompatible activities and outside employment. This rule is designed to prohibit County employees from engaging in any employment, activity, or enterprise which is inconsistent, incompatible, in conflict with, or inimical to the duties imposed on such employees by virtue of their employment with the County of San Mateo.

Section 2.75.020 also places a limit of 20 hours per week on outside employment of any full time county employees except as provided therein. An employee can also be exempted from this rule by obtaining the written approval of the Department Head.

The intent of this provision is to not let outside employment of personnel in the SamCERA department impair their efficiency in their job performance.

### General Restrictions – All Employees

- I. 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.
- II. No employee shall engage in any outside employment, activity, or enterprise if it involves such time or other demands as would render less efficient the performance of his/her duties as an employee of the County. 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 to 20 hours per week except as provided therein.
- III. 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 from 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 changes.
- IV. No employee shall engage in any outside employment which involves the use of any information which could be obtained from the department or which is confidential or member specific.
- V. 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.

All employees of SamCERA are expected to control their activities to comply with the intent of this rule. A copy of this agreement, signed by each employee and their department head will be kept in the employee's personnel file.

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Signature of Employee

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Signature of Department Head

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Date

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Date

# County of San Mateo - SamCERA

## **EMPLOYEE ACKNOWLEDGEMENT – Rules Governing Incompatible Activities and Outside Employment**

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Please review the departmental Rules Governing Incompatible Activities and Outside Employment and check the appropriate item(s) below:

I am presently in compliance with SamCERA's Rules Governing Incompatible Activities and Outside Employment. I will seek written approval of the Department Head should any change in circumstances arises.

I request the written approval of the Department Head to be exempted from item(s) of the rules. Please describe the outside employment, activity, or enterprise for which an exemption is sought, including name and address of employer.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of hours per week \_\_\_\_\_

I have previously received written approval of the Department Head to be employed in a non-County position or to be involved in an activity or enterprise that is otherwise prohibited. (Please attach a copy of the written approval).

I have read the rules and declare that the above information is correct to the best of my knowledge. I understand that I must resubmit this form in the event of a change in outside employment, activity, or enterprise status or if I am employed by a different department within the County.

\_\_\_\_\_

Signature of Employee

\_\_\_\_\_

Date

**To be completed by Department Head if an exemption is requested**

**Action on requested approval**

APPROVE

DISAPPROVE

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Department Head

\_\_\_\_\_

Date

**RECEIVED NOTIFICATION OF DEPARTMENT HEAD'S ACTION**

\_\_\_\_\_

Signature of Employee

\_\_\_\_\_

Date

Upon completion, this document is to be placed in the employee's departmental personnel file.