

**COUNTY OF SAN MATEO  
DEPARTMENT OF PUBLIC WORKS**

**REGULATIONS GOVERNING INCOMPATIBLE ACTIVITIES  
AND OUTSIDE EMPLOYMENT FOR EMPLOYEES**

Section 2.75.020 of the San Mateo County Ordinance Code requires that each Department Head shall formulate rules specifying those activities which shall be prohibited for officers or employees within his department, and which are 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.

1. Any Public Works employee engaging in outside activities for compensation must report such activities within 30 days of commencing such activity, a record of which will be kept in his/her departmental personnel file. Status of continuing employment or activities shall be updated annually in January.
2. No employee shall use County time, facilities, equipment or supplies, any confidential or client-specific information, or the influence or prestige of the employee's position except while on duty performing work on behalf of the County.
3. No employee shall accept outside compensation or any other consideration for an act that is part of his/her regular County duties.

This does not preclude an employee from engaging in part-time employment in an activity or enterprise in a similar profession or line of work as he/she performs for 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.

- a. No outside employment, activity or enterprise shall require such time demands as would result in less proficient performance of his/her County duties. 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.
4. No employee shall engage in any outside employment, activity, or enterprise, if it involves the performance of an act which is currently, or if the employee has reason to believe that in the future may be, subject directly or indirectly to the control, inspection, review, audit, or enforcement by the employee or any other officer or employee in this Department. Exceptions to this rule may include activities related to plan review as stated in subsection a) below. Any exception must be approved in writing by the Department Head.
5. No employee shall engage in any outside employment, activity or enterprise for compensation with any person, agency or organization that is under contract to provide services to the County of San Mateo, if a) the employee has a direct or indirect role in awarding a contract; or b) the employee holds any type of interest or ownership in the contracted agency or organization. Any employee having such a relationship must report it the Department Head, and any exception to this rule must be granted by the Department Head in writing.

6. Employees shall not serve on any board, committee, or similar body of any agency or organization which contracts with Public Works or receives funding from Public Works. Any exception to this rule must be granted by the Department Head in writing.
7. Employees shall not engage in any outside employment which involves the use of any information which could be obtained from the Department or which is confidential or client specific.

All employees who are aware of incompatible activities or potential incompatible activities, whether or not specifically mentioned herein shall discuss them with their supervisor, division director, or Department Head. Employees engaging in incompatible activities or who fail to disclose outside activities for compensation may be subject to suspension, demotion or dismissal as provided for in Rule XIII of the Civil Service Commission Rules.

Specific incompatible activities for Department of Public Works employees shall include, but not be limited to, the following:

- a) Preparing and/or submitting plans or documents for which he/she will receive payment or other consideration that require checking or approval by any County department. For example, an employee cannot prepare plans for a client who needs approval from the County's Planning and Building Division. However, preparing plans requiring checking or approval by a city agency or a county other than San Mateo County may be allowed if consistent with the general guidelines above. Authorization to submit plans or documents to a County of San Mateo agency that are for personal use must be considered and approved by the Department Head.
- b) The purchase of any interest in real property, the value of which could be substantially enhanced by governmental action, the advance knowledge of which was imparted to an employee by reason of his employment and was not a matter of public record.
- c) Acceptance of gifts (including cash, meals, services, or favors as well as tangible items) with a fair market value of more than \$50. Gifts of alcoholic beverages (with a fair market value of less than \$50) may be accepted but not opened or consumed on County time or in County vehicles/premises. **NOTE:** Any employee who performs inspection work, including inspecting the work of his/her own employees and/or manages the work of inspectors, and/or serves in a regulating capacity may not accept, request, or in any way encourage the tender of a gift from the public regardless of its value.
- d) Any work which would normally be done during normal working hours by agreement or contract between any agency, jurisdiction, corporation or individual and the County of San Mateo.

### **Appeal Procedures**

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 he or she is 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 in 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.

**Department of Public Works  
Statement of Incompatible Activities**

Name \_\_\_\_\_  
Please Print

Employee ID Number: \_\_\_\_\_

Classification \_\_\_\_\_

Division/Section \_\_\_\_\_

In accordance with the rules governing incompatible activities and outside employment for the Department of Public Works (DPW), I affirm, by my signature (reverse side), that the following is true and complete. I understand that signing and submitting this form is mandatory.

1. I engage in activities outside of my job with DPW for which I receive monetary compensation or other consideration (this includes seasonal work if it's been in the past year):

- Yes  
 No (go to #2 below)

If yes, answer the following:

- a. What type(s) of work do you do?

similar to what I do for the County (give a brief description):

\_\_\_\_\_

other (specify): \_\_\_\_\_

- b. For whom do you work?

various customers as requested (side jobs)

I am self-employed (company name: \_\_\_\_\_;  
number of employees: \_\_\_\_\_)

another employer (name, address: \_\_\_\_\_)

\_\_\_\_\_

- c. When do you usually do the work? (check all that apply)

before/after my job with DPW

my scheduled 9/80 or 4/10 days off

weekends and/or holidays, vacation

- d. Approximately how many hours per week do you work (on average)?

\_\_\_\_\_

- e. Approximately how many years have you been doing outside work?

\_\_\_\_\_

(see reverse side)

2. I am a member of a professional organization in San Mateo County.

Yes

No

If yes, list the organization(s) and your role (ie, member only, officer, advisor, etc.)

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

Employee signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approved: \_\_\_\_\_

Division Manager

Date: \_\_\_\_\_

Approved: \_\_\_\_\_

Division Deputy Director

Date: \_\_\_\_\_

Approved: \_\_\_\_\_

Director, Department of Public Works

Date: \_\_\_\_\_