



SAN MATEO COUNTY PROBATION DEPARTMENT ADMINISTRATIVE MANUAL

B. PERSONNEL

13. Rules Governing Incompatible Activities and Outside Employment

COUNTY OF SAN MATEO RULES GOVERNING INCOMPATIBLE ACTIVITIES AND OUTSIDE EMPLOYMENT

Sections 2.75.010 and 2.75.020 of the San Mateo County Ordinance Code require that each Department Head adopt rules relating to incompatible activities and outside employment. For purposes of this policy, “*outside employment*” is defined by engaging in work in either a self-employed capacity or working for an employer other than the San Mateo County Probation Department. The purpose of the rules is to prohibit county employees from engaging in any employment, activity, or enterprise for compensation 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 2.75.070 of the San Mateo County Ordinance Code limits the outside employment of any employee holding a full-time position with the county, except as provided therein. An employee may be exempted from the operation of section upon obtaining approval of his/her department head.

A copy of amendments shall be made available to all employees of the department. New employees should get a copy of the complete set of rules.

Violations of these rules may be cause for disciplinary actions up to and including dismissal, as set forth in Ordinance Code 2.75.050.

All employees of the Probation Department are instructed by this memo to comply with the intent of the above noted provisions. Additionally, the following specific prohibitions represent the policy of the Probation Department:

- A. No outside activity or enterprise shall involve the use of County time, facilities, equipment or supplies, to produce profit or gain, or to affect the influence or prestige of the employee’s position.

- B. No outside employment, activity or enterprise shall involve the receipt or acceptance of any 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.
- C. No employee shall engage in any outside employment, activity or enterprise, with any person, agency or organization that is currently under contract to provide services to the County of San Mateo without the written approval of the Chief Probation Officer.
- D. No outside employment, activity or enterprise shall require such time demands as would result in less efficient performance of County duties.
- E. All requests for permission to engage in outside employment will be written (form #9003) and directed to the Chief Probation Officer. The Chief Probation Officer shall notify the employee of his or her decision within twenty (20) working days of receipt of the request. Such notification shall be in writing with a copy sent to the employee's personnel file. The employee shall notify the Chief Probation Officer in writing as soon as the outside employment is terminated.
- F. All outside employment, activity or enterprise must occur outside of the employee's normal working hours. This includes hours in which the employee is in an "On Call" status.
- G. No employee shall knowingly hold an ownership interest in any enterprise which is under contract to provide services to the County of San Mateo, unless approved in writing by the Chief Probation Officer.
- H. No employee shall serve on any board, committee or similar body of any agency or organization which contracts with the County, receives funding from the County or receives referrals or any other benefit from the County, without the prior written approval of the Chief Probation Officer.
- I. No employee shall knowingly purchase or otherwise acquire either directly or indirectly the real or personal property of any person who is pending investigative referral, on case supervision, or otherwise receiving professional services from the Probation Department.

- J. No employee shall investigate the referral or supervise the probation of any member of the employee's household or any relative by blood, adoption or marriage.
- K. No employee shall offer or provide private psychological (or private therapy) counseling services to any person receiving services from the Probation Department.
- L. No employee may directly or indirectly provide services for compensation to anyone, who as a result of those services, may be called upon to testify in a criminal action in the Municipal or Superior Court of San Mateo County, or in any civil action in which the County is a party or where a conflict of interest exists. This includes providing services to attorneys, law firms, or police departments, including serving as a Reserve Police Officer.
- M. All employees who are aware of any conflicts or potential conflicts of interest between private activities and County employment, whether or not specifically mentioned herein, should discuss them with their supervisor, Division Deputy Chief, and Chief Probation Officer.
- N. Violation of any of the above may be grounds for suspension, demotion, reprimand, transfer, or dismissal. 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.

Violation of any of the above may be grounds for suspension, demotion, reprimand, transfer, or dismissal.

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