

# SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

## POLICIES AND PROCEDURES MANUAL

### POLICY 31.120 - OUTSIDE EMPLOYMENT

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#### **POLICY:**

In an attempt to avoid conflicts of interest between official Water Department job duties and outside employment, it has been deemed appropriate to regulate the outside employment of Water Department employees. The purpose of this policy is to provide guidelines, to set forth standards and to inform all employees of the Water Department policies.

#### **PROCEDURE:**

It will be the responsibility of each Division Head to:

- Counsel employees on incompatible and inconsistent employment activities; and obtain concurrence with other Division Heads;
- Have the employee complete the attached Notification of Outside Employment; obtain review and approval of the General Manager; keep a copy of the form, as approved or denied and transmit a copy to Personnel;
- Maintain a current roster of those individuals who work outside the employ of the Water Department.

Definitions: Outside employment is defined as any work, service or other act performed for financial gain by an employee other than his/her Water Department duties. Outside employment includes, but is not limited to:

1. Writing and editing
2. Teaching
3. Lecturing
4. Consulting Services
5. Self-employment
6. Sale of commercial or homemade products
7. Real estate sales or brokerage where the employee is not the buyer or seller
8. Security or patrol services
9. Contracting

Non-paid employment is excluded from this definition.

Inconsistent and incompatible employment is defined in Civil Service Rule No. 517.

Absence Due to On-The-Job Injury: An employee who is absent because of on-the-job injury or illness must obtain written permission from the General Manager or designee to engage or to continue in outside employment during such absence. The employee must request specific permission, in writing, by submitting a memorandum to the General Manager describing the nature and physical requirements of the outside employment and the nature and physical limitations of the injury.

Prior to giving permission to continue in outside employment, the General Manager or designee must consult with the City Risk Manager as to whether the outside employment will affect the employee's recovery of Workers' Compensation benefits.

A disabled employee who receives permission to continue outside employment must report to the Department all compensation received from such outside employment during any period of disability for which the employee receives benefits pursuant to any applicable local, state or federal workers' compensation laws or memorandum of understanding provisions. Further, the employee is required to provide such proof of compensation as the Water Department may request. The Water Department is entitled to, and may seek, a credit of outside employment earnings against benefits paid to the employee pursuant to any applicable local, state or federal workers' compensation laws or memorandum of understanding provisions.

Consequences of Engaging in Prohibited Activities:

**Classified Employees:** Disciplinary action taken must be consistent with the applicable MOU and the Civil Service Board Rules. Causes for disciplinary action are defined in Civil Service Rule No. 513.1. Charges to be filed are described in Civil Service Rule No. 513.2.

These sections of the Civil Service Rules describe the consequences that may result, if the employee engages in prohibited activities. Sections 513.3 and 513.4 define an employee's right to reply and to request a hearing.

**Unclassified Employees:** For unclassified employees, as for classified employees, the consequences of engaging in prohibited activities may include:

1. Suspension,
2. Demotion,
3. Salary reduction or substantial loss of salary or earned time applied on an individual for misconduct, and/or
4. Dismissal.

**AUTHORIZATION:**

Government Code Section 1126 sets forth the necessary criteria for limiting employees' outside employment.

Section 1126 provides as follows:

"(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 ... or with the duties, functions or responsibilities of his or her appointing power or the agency."

"Each appointing power may determine ... those outside activities which ... are inconsistent with, incompatible to or in conflict with their duties as local agency officers or employees."

In addition, Civil Service Rule No. 517 - Incompatible Employment, provides that ..., "No such department head, officer or employee shall engage in any employment, activity or enterprise or conduct of any nature which is inconsistent, incompatible or in conflict with his duties as a department head, officer or employee, or with the functions or responsibilities of the department or office in which he is employed."

The determination of incompatibility will be made by the General Manager upon recommendation of a Division Director. Each case will be considered on an individual basis.

**City of San Bernardino Municipal Water Department**  
**Notification of Outside Employment**

*(This Section to be completed by employee and submitted for review and approval prior to engaging employment outside of the Water Department.)*

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

Classification: \_\_\_\_\_

Section: \_\_\_\_\_

**OUTSIDE EMPLOYER:**

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

Address: \_\_\_\_\_

Telephone: (Where you can be reached) \_\_\_\_\_

Name & Title of Supervisor: \_\_\_\_\_

Title of position: \_\_\_\_\_

Type of work performed (Explain in detail): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Special requirements for this position: \_\_\_\_\_

Does this employer do business with the City/Water Department? \_\_\_\_\_

Is any work performed for this employer subject to inspection by the City/Water Department (other than issuance of business licenses)? \_\_\_\_\_

**OUTSIDE WORK SCHEDULE:** Day of Week, work schedule and hours per day:

\_\_\_\_\_

Duration of Outside Employment: \_\_\_\_\_

The City of San Bernardino Municipal Water Department will not be responsible for any injuries which occur during the course of outside employment.

*I hereby certify that employment at the above job would not be inconsistent or incompatible with my Water Department employment. My prospective/current other employer and I understand that I may, at any time, be called to work for the City of San Bernardino Municipal Water Department. I understand that I must report any changes in status to my Supervisor and Division Director immediately. The above information is true and correct to the best of my knowledge.*

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Supervisor Signature*

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

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

Division Director: \_\_\_\_\_ Approved  Denied:  Date: \_\_\_\_\_

General Manager: \_\_\_\_\_ Approved  Denied:  Date: \_\_\_\_\_