

Outside Employment

301.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest, all employees shall obtain written approval in accordance with the provisions of this policy prior to engaging in any outside employment.

301.1.1 DEFINITION

Definition related to this policy includes:

Outside Employment - The receiving of wages, compensation or other consideration of value from another employer, organization or individual (including self-employment) not affiliated directly with this department for services, product(s), or benefits rendered.

301.2 AUTHORITY AND REFERENCES

- Government Code §§ 1126, 1127, and 87300;
- Board of Supervisors Resolution 94-011;
- Memorandums of Understanding (MOU);
- Management Resolution;
- Welfare and Institutions Code § 16516;
- Title 2, Division 6, California Code of Regulations, Regulation of the Fair Political Practices Commission;
- Penal Code § 70(e)(3).

301.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the department expressly reserves the right to deny any Authorization for Outside Employment request submitted by an employee seeking to engage in any activity which:

- (a) Is incompatible, inconsistent, and hostile to or in conflict with their county or departmental employment;
- (b) Involves the direct or indirect use of confidential departmental/county information or property such as data, databases, policies and procedures, reports, manuals, systems and processes;
- (c) Involves the counseling of adult/youth clients and their immediate families, or Probation Department employees;
- (d) Involves the use for private gain or advantage of the employing county department's resources, including but not limited to, time, facilities, equipment and/or supplies; or the letterhead, badge, uniform, prestige or influence of the county employee's office;
- (e) Involves receipt or acceptance by the employee of any money, in-kind remuneration, or other consideration from anyone other than the Probation Department for the performance of any act which the employee, if not performing such act, would

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be required or expected to render in the regular course of hours of their county employment or as a part of their duties as a county employee (e.g. providing services for pay, such as counseling, to persons currently receiving some services from the Probation Department; retention of a fee for testimony prepared and/or presented on paid county time during the course of regular county employment, etc.);

- (f) Involves the performance of an act in other than their capacity as a county employee, which act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by any other Probation Department employee;
- (g) Involves such time, physical or mental demands as would render performance of their duties as a county employee less efficient;
- (h) The acceptance into an employee's home of any court ward ordered into placement by a juvenile court of any jurisdiction.

301.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

301.5 OBTAINING APPROVAL

At the time of hire with the department, all employees shall read this policy and sign a copy of the Authorization for Outside Employment form. The document shall be retained in the employee's personnel file.

No employee of this department may engage in any outside employment without obtaining prior written approval from the divisions managers and chief deputy probation officers. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must submit an Authorization for Outside Employment form (attachment) to their immediate supervisor who shall forward the request through appropriate channels to the Division Director. A separate form must be completed for each outside employment request. The Division Director will approve or disapprove in writing and forward the request to the Professional Standards Bureau (PSB) Division manager, Probation HR Administrative Services Officer, and designated Chief Deputy for review. The employee shall be provided with a decision within ten (10) working days of receipt of the written request.

Managers seeking approval for outside employment shall complete the Authorization for Outside Employment form and forward the request to their Chief Deputy Probation Officer.

If approved, the employee will be provided with a copy of the approved request and the original shall be retained in the employee's personnel file. Employees shall renew the Authorization for Outside Employment form(s) at the time of their annual performance evaluation.

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If denied, the employee shall be provided with a written reason for the denial (Penal Code § 70(e)(3)). A copy of the denial will be retained in the employee's personnel file. The employee may file an appeal as outlined in section 301.8 of this policy.

301.6 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates their outside employment during the period of a valid request, they shall submit written notification of such termination to their immediate supervisor within ten (10) working days. The supervisor shall forward the notification to the Division Director. Managers shall submit written notification of termination of outside employment to their Chief Deputy. Such notification will be forwarded to the Probation HR Division for placement in the employee's personnel file. Any subsequent request for outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also submit a new Authorization for Outside Employment form to their Division Director within ten (10) working days of any changes in outside employment including: change in the number of hours, type of duties, or demands of any approved outside employment. Managers shall submit their request to their Chief Deputy. Changes in outside employment will be processed and approved through normal procedures set forth in this policy.

301.7 REVOCATION OF OUTSIDE EMPLOYMENT

Any approved outside employment may be revoked by the Chief Deputy Probation Officer under the following circumstances:

- (a) Employee's performance has declined to a point where it is determined by a supervisor as below standards. The revocation will stand until the employee's performance has been reestablished at a satisfactory level and the employee resubmits a request for outside employment.
- (b) Revocation of previously approved outside employment may be included as a term or condition of sustained discipline.
- (c) Employee's conduct or outside employment conflicts with the provisions of department policy.
- (d) Employee is unable to perform at a full duty capacity due to an injury or other medical condition. Any previously approved outside employment may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

301.7.1 PROCEDURE FOR REVOKING AUTHORIZATION FOR OUTSIDE EMPLOYMENT

If it is determined an employee's outside employment warrants revocation, the Division Director shall:

- (a) Complete a Revocation of Outside Employment form (attachment).
- (b) Forward the form through the appropriate channels as noted on the form.

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- (c) Provide employee with a copy of the revocation form after approval signatures are obtained. The original revocation form will be maintained in the employee's personnel file.

For managers, the respective Chief Deputy will be responsible for completing this procedure.

Any subsequent request for outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

301.8 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Authorization for Outside Employment is denied by the department, the employee may file a written notice of appeal to the Chief Probation Officer within ten (10) working days of the date of the denial. The employee shall submit the written appeal to the HR Division Director who will forward the appeal to the Chief Probation Officer for a final decision.

If the employee's appeal is denied, the denial may be subject to the grievance procedure set forth in the applicable Memorandum of Understanding (MOU) or Management Resolution.

Date last reviewed: 12/29/2021

Date(s) revised: 12/29/2021; 10/28/2021; 10/30/2019; 03/07/2016; 04/26/2010; 05/22/2009; and, 01/02/1996

Created: 07/01/1986

Attachments:

1. [Authorization for Outside Employment Form](#)
2. [Revocation of Outside Employment Form](#)