

SAN DIEGO UNIFIED PORT DISTRICT

Administrative Procedure No. 215
Dated: July 23, 1996

SUBJECT: OUTSIDE EMPLOYMENT

REFERENCE: Personnel Rules and Regulations, Rule No. 16

PURPOSE: This procedure explains when and how the District restricts an employee's outside employment activities. Outside employment will be permitted or not permitted based on its compatibility with the continued satisfactory performance of an employee's essential job functions at the District. Further, outside employment that involves acts prohibited by District policies, such as racial or sexual discrimination or harassment, or that increase the District's liability, will not be permitted.

DEFINITION: When a person accepts full-time paid employment with the District, it is assumed that this employment is to be the person's primary vocational responsibility. Any other employment, regardless of form, where personal services are rendered or goods or property are sold for financial business gain, is considered outside employment.

APPLICABILITY: These requirements are in addition to all applicable state and local laws, including but not limited to Government Code Sections 1126 and 1127 (see Attachment A). The requirements do not apply to members of the Board of Port Commissioners, or members of District advisory boards, committees, or board-appointed positions.

GUIDELINES FOR APPROVING OUTSIDE EMPLOYMENT:

The guidelines below are for reference only; all requests will be considered on an individual basis. In general, a "yes" answer to any of the following indicates unacceptable outside employment:

1. Does the outside employment interfere with the scheduling of work hours and/or emergency call-out?
2. Does the outside employment involve the use of District facilities, equipment, supplies, confidential information, prestige or influence?

3. Is the outside employer a District tenant?
4. Does the District **control, inspect, review, audit, or enforce** the outside employer?
5. Does the outside employment involve the acceptance of money or other consideration from an outside source for **duties for which the employee is already being compensated** by the District?
6. Could the employee **use District information not normally available** to the public in the performance of the outside employment?
7. Does the outside employment involve such time or physical demands that it would **hinder the performance of the employee's essential job functions**? Unacceptable time demands include, but are not limited to, holding a second full-time job. Unacceptable physical demands include, but are not limited to, activities that aggravate any disability of the employee so as to impair the employee's ability to perform essential functions of his/her District job.

ADDITIONAL GUIDELINES COVERING FULLY-PAID PEACE OFFICERS: (Note: For other District and peace officer rights, see attached copy of Government Code Sections 1126 and 1127.)

- A. Is the outside employer a private police agency or security agency?
- B. Is the outside employer a private investigative agency?
- C. Would the outside employment reflect unfavorably on the Harbor Police Department?
- D. Does the outside employer engage in the sale or dispensing of alcoholic beverages?
- E. Is the outside employment inconsistent with the proper performance of police duties?

RESTRICTIONS:

- a. District Symbols: Under no circumstances will an employee be allowed to use his/her District title, or employee-owned badge, uniform, or other symbol representing the District when engaged in outside employment. Such misuse is grounds for disciplinary action up to and including termination.

- b. False Claims: An employee who, in order to pursue outside employment, makes a false claim concerning his/her absence from District employment shall be subject to immediate termination.

- c. Revocation: Approval of outside employment may be revoked effective immediately by written notice stating the reason for revocation. Such written notice must be approved by the Director of Human Resources and signed by the appointing authority.

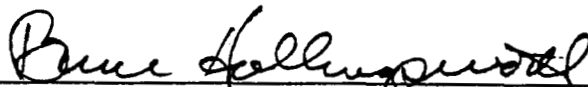
- d. Poor Job Performance: Outside employment may be revoked if it adversely affects the employee's primary job functions through poor performance, absenteeism, tardiness, or refusal to carry out regularly scheduled overtime.

- d. Workers Compensation: The District shall not be liable for worker's compensation claims resulting from injuries or illnesses sustained during the course of outside employment. Such injuries or illnesses may require medical restriction which may result in termination of District employment.

- e. Change in Status: Employees must file a new outside employment approval request whenever a change in status occurs. Such changes may include but are not limited to the following: (1) change in the scope or character of the outside activity; (2) change in the scope or character of the outside employer's business; (3) change in the employee's position classification at the District.

PROCEDURE FOR APPLICATION:

1. Before engaging in outside employment, full-time employees must request approval by filing a Statement of Outside Employment or Enterprise form UPD No. 215 (Form 215) with their appointing authority, who will review the statement in light of an employee's essential job functions. The Form 215 is then forwarded to the Director of Human Resources, who will review for conformance with this procedure and District practice.
2. Employees currently engaged in outside employment shall file a new Form 215 within thirty (30) days of the distribution of this Administrative Procedure, or any revision to this Administrative Procedure, for reevaluation by the appointing authority and Human Resources.
3. The appointing authority shall notify the employee of the approval/disapproval of the outside employment. Once notified of disapproval, the employee has the right to resign the outside employment before any disciplinary action occurs as a result of such disapproval.
4. No Statement Filed. If the appointing authority discovers that an employee is engaged in either acceptable or unacceptable outside employment and has not submitted a Form 215 and/or not received approval, the employee is subject to appropriate disciplinary action.



Bruce B. Hollingsworth, Senior Director,
Administrative Services/Treasurer

Attachment A

California State Government Code

Section 1126

(a) 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 duties as a local agency officer or employee or with the duties, functions or responsibilities of his appointing power or the agency by which he is employed. Such officer or employee shall not perform any work, service or counsel for compensation outside of his local agency employment where any part of his efforts will be subject to approval by any other officer, employee, board or commission of his employing body, unless otherwise approved in the manner prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, those outside activities which, for employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity or enterprise may be prohibited if it: (1) involves the use for private gain or advantage of his local agency time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of his local agency office or employment, or (2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his local agency employment or as a part of his duties as a local agency officer or employee, or (3) involves the performance of an act in other than his capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee or the agency by which he/she is employed, or (4) involved such time demands as would render performance of his duties as a local agency officer or employee less efficient.

The local agency may adopt rules governing the application of this section. Such rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee.

Section 1127. Intent

It is not the intent of this article to prevent the employment by private business of a public employee, such as a peace officer, fireman, forestry service employee, among other public employees, who is off duty to do work related to and compatible with his regular employment, or past employment, provided the person or persons to be employed have the approval of their agency supervisor and are certified as qualified by the appropriate agency.

SAN DIEGO UNIFIED PORT DISTRICT

STATEMENT OF OUTSIDE EMPLOYMENT OR ENTERPRISE

NAME: _____

DATE: _____

DEPARTMENT: _____

TITLE: _____

I am **NOT** engaged in any employment or enterprise other than that which I have with the Port District.

I understand that it is my responsibility to inform my Appointing Authority and complete a new Statement of Outside Employment form whenever such activity may occur.

In addition to my employment with the Port District, I am engaged in employment or involved in economic enterprises as follows:

NAME OF BUSINESS/ORGANIZATION: _____

TYPE(S) OF BUSINESS(ES) i.e. manufacturing, services, etc: _____

Are you: Owner _____ Employee _____

Specify the type of work involvement you have, (be specific): _____

Fill in the following schedule **ONLY** if you have outside employment

DAYS AND HOURS OF EMPLOYMENT							
DAYS EMPLOYED	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
PORT							
OUTSIDE							

EMPLOYEE SIGNATURE _____

DATE _____

Approved
 Disapproved

Comments: _____

Approved
 Disapproved

Appointing Authority

Date

Director, Human Resources

Date