



Policy Type: Board

Category: Personnel

Policy Name: Outside Employment Policy - Board Policy 3.6

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3.6 OUTSIDE EMPLOYMENT POLICY (Adopted 10-28-86)

SANTA CLARA COUNTY OUTSIDE EMPLOYMENT POLICY

- (A) California Government Code, Article 4.7, Sections 1125, 1126 and 1127, prohibits local agency officers and employees from engaging in activities which are incompatible, inconsistent or in conflict with their agency employment. These sections also require prior approval by the appointing authority of compatible outside employment.
- (B) County employees have the same right as other citizens to paid outside employment if they wish or if they feel the economic need. However, such employment must conform to Government Code limitations and must not interfere with the efficient performance of the employee's County duties or reflect discredit, cause scandal or cause unfavorable criticism of the employee's department or the County.
- (C) Any employee contemplating outside employment which may be incompatible with her/his position with the County shall first secure the formal approval of the appointing authority. Failure to secure this prior approval is cause for disciplinary action which may include suspension, demotion or dismissal as prescribed in Section A25-303 of the Santa Clara County Ordinance Code.



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- (D) Each department shall provide employees with clearly defined conditions that would be incompatible with a particular department. Each department will have an Outside Employment form that must be completed by all employees upon initial employment with the department and at any time when the employee contemplates outside employment while working for the County. This form must then be submitted to the department head/supervisor for approval. A copy of the form will be returned to the employee indicating approval or disapproval of the request.
- (E) If disapproved, the employee will be notified in writing of the reason for the disapproval and may appeal such a decision to the appointing authority. If, after approval, outside employment is subsequently found to be incompatible with the employee's duties, or to require such time demands as to make the employee's County performance less efficient, such approval may be rescinded upon notification to the employee. New employees who have other employment found to be incompatible with their County employment will be informed when they begin employment with the County and will be given reasonable time to cease the incompatible employment.
- (F) Outside employment will be approved or disapproved based upon the following section of the Government Code:

An employee's outside activity or enterprise may be prohibited if it:

- (1) Involves the use for private gain or advantage his/her 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/her 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/her local agency employment or as a part of his/her duties as a local agency officer or employee or;

- (3) Involves the performance of an act in other than his/her 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 of the agency by which he/she is employed or;
- (4) Involves such time demands as would render performance of his/her duties as a local agency officer or employee less efficient.

Related Policies

None.

Related Forms and Information

- Outside Employment / Incompatible Activity Form (CEO – County Employees / Extra Help) - [url]/sites/policies/FormsrelatedtoPolicies/Outside-Employment-Incompatible-Activity-Form-CEO-County-Employees.pdf
- Outside Employment / Incompatible Activity Form (CEO – Interns / Volunteers) - [url]/sites/policies/FormsrelatedtoPolicies/Outside-Employment-Incompatible-Activity-Form-CEO-Interns-Volunteers.pdf
- Outside Employment / Incompatible Activity Form (SSA) - https://ssaconnect.sccgov.org/ssaforms/agency_forms/outside_employment.pdf

History

Date	Changes Made
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12/27/2017	CEO Forms Updated. (Kyle Larson)
1/23/2014	Policy Uploaded. (John Myers)
10/28/1986	Policy Adopted.