

Mendocino County Policy #TBD	Outside Employment and Conflict of Interest Activities
Adopted: TBD	Adopted by: Minute Order

1. Purpose

Officers and employees of the County of Mendocino (“County”) are expected to carry out their duties and responsibilities in the best interests of the County and under circumstances where they are free from conflicting loyalties. The purpose of this Policy is to protect the integrity of the County and its employees.

2. Application

Except as otherwise provided herein, or in applicable memoranda of understanding, these policies and procedures shall apply to all Officers and employees of the County (“County employee”). An employee’s appointing authority may implement policies that include additional limitations or procedures related to outside employment or conflict activities. Employees are expected to abide by County-wide policies, in addition to any additional policies required by their appointing authority.

3. Policy

County employees shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties as a local agency officer or employee or with the duties, functions, or responsibilities of their appointing power or the agency by which they are employed. An officer or employee shall not perform any work, service, or counsel for compensation outside of their County employment where any part of their efforts will be subject to approval by any other officer, employee, board, or commission of their employing body. Full disclosure shall be made in writing to the Appointing Authority or to the Human Resources Director where the County employee reasonably believes that outside employment or other activities of a County employee are, or could appear to be, inconsistent with, incompatible to, or in conflict with their duties to the County.

4. Activities that May Present a Conflict

It is not practical to list all of the circumstances that could give rise to a conflict of interest or potential conflict of interest. County employees must avoid placing themselves in a position in which personal interest (financial or non-financial) may come into conflict with their duty to the public, as well as avoiding even an appearance of impropriety. This policy requires County employees to use common sense and good judgment for the protection of the County’s interests. The following is a non-exhaustive list of the types of activities that may present a conflict and must be disclosed.

- 4.1 Adverse Interest.** Participation by a County employee or their Family Member¹ in decisions or negotiations related to a contract, transaction or other matter between County and: (i) the County employee; (ii) an entity in which the County employee or a Family Member of such person has financial or business interest; or (iii) an entity with which the County employee has an agency relationship.

¹ Family member includes a spouse or registered domestic partner, parents, or children.

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4.2 Competing Interests. Competition by a County employee, either directly or indirectly, with County in the purchase or sale of property or property rights, interests, or services.

4.3 Use of Resources. Use of the County's resources (for example, staff, contracts, vendor lists, or equipment) for personal purposes of the County employee or a Family Member of such person.

4.4 Inside Information. Disclosure or exploitation by a County employee of information pertaining to the County's business for the personal profit or advantage of such person or a Family Member of such person or a person/entity with whom the County employee has an agency relationship.

4.5 Extra Compensation (Gifts, Entertainment, Discounts, Etc.). A County employee must not accept, permit, or receive extra compensation (compensation over and above that fixed by contract or by law) for services rendered, in whole or in part, or a contract entered into, for a payment beyond the contract price, or for their performance of official duties, even if exceptional performance was rendered or if the job was far more difficult to render than anticipated. County employees must not accept gifts of cash or gifts that directly or indirectly imply an appearance of a transaction having some benefit or monetary value in return for rendering official County duties. This may include, but is not limited to, personal gifts, free or discounted transportation, lodging, tickets to sporting or entertainment events, or expensive meals, etc.

4.6 Bribery. Offering, giving, receiving, soliciting, or even the mere proposal of bribery is prohibited. Bribery is defined as anything of value or advantage, currently or in the future, or any promise or undertaking to give anything, asked, given, or accepted, with a corrupt intent to influence the actions of a public official, including any County employee.

5. Outside Enterprises, Employment or Activity.

5.1 A County employee's outside employment, activity or enterprise may be considered a conflict if:

5.1.1 It involves the use, for private gain or advantage, of their County time, facilities, equipment, uniform or supplies, or the prestige or influence of their County employment.

5.1.2 It involves the receipt or acceptance by the County employee of any money or other consideration from anyone other than the County for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of their usual County employment or a part of their duties as a County employee.

5.1.3 It involves the performance of an act in other than their capacity as a County employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the County.

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5.1.4 It involves time demands on the employee involving any outside employment activity or enterprise that would render the performance of their County duties as inefficient.

5.1.5 If it involves the performance of work during the employee's regular County work schedule.

5.1.6 If it involves work on a project under contract with the County.

5.2 Outside employment must not be inconsistent, incompatible, in conflict with, or harmful or unfavorable to their duties as a County employee, or reduce the efficiency of the employee in County employment.

5.3 If there is a question of whether a conflict exists, a County employee must notify the Human Resources Director or Appointing Authority and request a determination on incompatibility. The request should include sufficient description of the proposed duties and work schedule at the desired outside employment to permit the Appointing Authority to reach an informed decision.

5.4 The Appointing Authority shall determine the consistency or inconsistency of outside employment, activities, or enterprises with County employment, and notify the County employee in writing of their determination.

5.5 Revocation. Approval may be rescinded at any time if, in the judgment of the Appointing Authority, the outside employment is inconsistent with, incompatible with, in conflict with, or harmful or unfavorable to the individual's duties as a County employee.

5.6 A County while on sick leave or workers' compensation leave status with County who wishes to engage in outside employment or any other activity that may be subject to this policy, must seek authorization from their Appointing Authority, in compliance with this policy. Any outside employment or other activity must be consistent with the employee's current medical restriction, as determined by the employee's medical provider.

6. Disclosure of Potential Conflicts

6.1 A County employee who may have an actual or potential conflict of interest shall, at the earliest reasonable time, advise, in writing, the employee's Appointing Authority or to the Human Resources Director of the possible conflict of interest.

6.2 Questions regarding possible conflict of interest or outside employment, activity or enterprise should also be brought to the attention the employee's Appointing Authority or to the Human Resources Director at the earliest possible time.

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6.3 County personnel shall disqualify himself or herself from making, participating in the making, or in any way attempting to use their official position to influence a governmental decision in which he or she knows, or is reasonably foreseeable, that he or she has a conflict of interest or appearance of a conflict.

6.4 Following disclosure of an actual or potential conflict of interest, the County shall then determine whether an actual conflict of interest exists. Consideration of alternatives to the proposed transaction or arrangement to avoid the conflict of interest may be made.

6.5 If the County determines that the County employee is in violation of this code, the County employee shall be so informed in writing of the possible violation of this policy.

6.6 The County is committed to the fair treatment of all County employees and recognizes the responsibility under state and federal law to protect from punishment and harassment any person who reports a potential ethics issue. The County shall not take any action or threaten any action against any employee as a reprisal for making a disclosure under this Code unless the disclosure was made, or the information was disclosed, with knowledge that it was false or with willful disregard for its truth.

7. Appeal

7.1 A County employee may appeal from a determination that a proposed employment, activity, or enterprise is incompatible by filing a written appeal with the Chief Executive Officer within fifteen (15) calendar days of issuance of the written determination. The employee's written appeal should include a copy of the initial request for determination, the Human Resources Director's or designee's response, and any other information the employee believes is relevant.

7.2 The Chief Executive Officer shall issue a written determination and shall be conclusive, final and binding on both the employee and the Human Resources Director.

7.3 For any employee whose appointing authority has set forth in policy an appeal procedure different from the appeal procedure provided by this policy, the employee shall use the appeal procedure as provided by their appointing authority.

8. Violations

8.1 Violation of this policy may result in disciplinary action up to and including termination of employment. Any such disciplinary action shall be undertaken in accordance with County disciplinary policies and applicable collective bargaining agreements.