

SONOMA COUNTY PROBATION DEPARTMENT DEPARTMENTAL POLICY & PROCEDURES MANUAL			
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2.7 INCOMPATIBLE ACTIVITIES

1. BACKGROUND:

Government Code § 1126 authorizes local agencies to adopt rules prohibiting employees from engaging in any employment, activity, or enterprise for compensation (collectively referred to as “outside employment”) that is inconsistent with, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, function or responsibilities of his or her appointing power or the agency by which he or she is employed.

This policy is adopted in order to comply with applicable statutes, and to assure the public of the commitment and service it deserves from its officers and employees. It is not the intention of this policy to infringe unnecessarily upon an employee's plans to advance his or her career goals, or to improve his or her financial situation.

Government Code § 1126 further prohibits an employee from performing any employment, activity or enterprise for compensation outside his or her employment for the County of Sonoma (“County”) where his or her efforts will be subject to approval by any employee, board or agency of the County unless approved by the employee’s appointing authority using the process set out below.

2. PROCESS:

Any employee or candidate who intends to engage in/or retain any outside employment for compensation should notify the Chief Probation Officer, through the chain of command, if there is a possibility that such outside employment might be incompatible with the employee’s County employment, and request a determination on incompatibility. (see Code of Conduct policy 2.16 for procedural guidance) Outside employment may be prohibited and may be considered incompatible if it:

- a. Involves the use of County resources, including but not limited to: facilities, equipment, and supplies; or the badge, uniform, prestige, or influence of the County or the employee’s County position.
- b. Involves the receipt or acceptance, by the employee or any entity owned in whole or in part by the employee, of any consideration or money, to perform any act that the employee would be required or expected to render as part of his or her duties in the regular course or hours of his or her employment. Exceptions may be authorized by the Chief, including but

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not limited to, staff trained in CBI providing those same services via contract to community based organizations, with which the Probation Department, may or may not also contract. May be subject to the control, inspection, review, audit or enforcement of any other officer or employee or the agency by which he or she is employed, and the employee's appointing authority determines that there is a likelihood of actual incompatibility, such as potential favoritism, selective enforcement, or misuse of county information.

- c. Is performed during the employee's regular County work schedule unless the employee is on authorized leave.
- d. Involves work for any other Sonoma County Department and/or on a project under contract with the County of Sonoma, unless authorized in advance to do so (SAC for example).
- e. Involves time demands that interfere with the staff's employment with the Department and/or would render the employee's performance of his or her duties as a County employee less efficient.
- f. Brings the county into disrepute or impairs the operation or efficiency of the Department or staff.
- g. Render the staff unavailable during an emergency.

Within 15 days of receiving a notice and determination request from an employee, the Chief Probation Officer shall determine whether or not the proposed activity is incompatible, and notify the employee in writing of his or her determination.

3. APPEAL PROCESS:

An employee may appeal from a determination that the proposed employment is incompatible by initiating the following process:

File a written appeal with Director of Human Resources within fifteen (15) calendar days of issuance of the written determination of incompatible activities. The employee's written appeal should include a copy of the initial request for determination, the appointing authority's response, and any other information the employee believes is relevant.

The Director of Human Resources shall issue a written determination within fifteen (15) calendar days of receiving the appeal. The Director's decision shall be mailed to the employee via first class mail and shall be conclusive, final and binding on both the employee and the appointing authority.

4. VIOLATIONS:

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Employees are encouraged to seek a determination from their appointing authority before accepting outside employment in order to avoid inadvertent violation of this policy. Violations of this policy may result in discipline up to and including termination.

5. RECEIPT:

A copy of this policy will be distributed to all current employees and all newly hired employees. Employees shall sign a receipt to show that they have been provided a copy of the policy, and return the receipt to the department. The department shall keep this receipt in the employee's personnel file.

6. INCOMPATIBLE ACTIVITIES POLICY RECEIPT

(To be placed in Employee's Personnel File.)

7. REPLACEMENT HISTORY: [2.7]

Renamed from D7, 10/2009; Revised 03/31/1998. Revised 8/1/19

APPROVED BY:

DAVID M. KOCH
Chief Probation Officer

ATTACHMENTS:

- Incompatible Activities Policy Receipt

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INCOMPATIBLE ACTIVITIES POLICY RECEIPT

I received a copy of the Sonoma County Probation Department's Incompatible Activities Policy. I certify that I have read and understand the Policy. I acknowledge that if I fail to follow the terms of this policy I may be subject to discipline up to and including termination.

DATE: _____

PRINTED NAME: _____

SIGNATURE: _____