



<b>Policy:</b>	Outside Employment/Private Business Activities/Elected or Appointed Public Office	
<b>Date:</b> September 19, 2012	<b>Revision Date:</b>	<b>Approved by:</b> Human Resources

**I. PURPOSE AND SCOPE**

To define and clarify District policy regarding outside employment, private business activities, and, elected or appointed public office.

**II. POLICY STATEMENTS:**

1. An employee may not engage in any outside employment, private business activities or activities related to that employee seeking or holding elected or appointed public office that are clearly inconsistent, incompatible, or in conflict with his or her duties as a District employee. While employed by the District, every employee shall devote assigned work time to District business and shall not engage in outside employment, *private business activities for profit, or activity related to seeking or holding elected or appointed public office.*
2. Pursuant to Government Code Section 1126, the outside employment, activity (including seeking or holding outside elected or appointed public office), or private business activities must not create a conflict of interest. An employee shall not engage in outside employment, or private business activities outside assigned working hours that involve either of the following:
  - a. The performance of a task that may later be directly or indirectly related to the control, inspection, review, audit or enforcement by the employee or any other employee of the District; or
  - b. Employment with any organization that provides products or services to the District.
3. In no case may an employee use District resources such as office space, vehicles, computers, copiers, printers, fax machines, office supplies, mail, or telephones for outside employment, private business activities, or outside elected or appointed public office. It should be noted that doing so would be a violation of this policy. Moreover the California Penal Code § 424 and California Government Code § 8314 prohibits use of public resources for these purposes.
4. An employee seeking or holding elected or appointed public office are prohibited from soliciting political funds or contributions at District facilities or during District assigned work time. No employee of the District shall use the District’s logo, seal, trademark, stationary, website, or other indicia of the District’s identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law.

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5. An employee's outside employment, private business activities, or service in elected or appointed public office, shall neither interfere with the functions of the employee's District job nor impair the employee's physical and mental capacities required to perform the District job.
6. No employee shall hold outside employment or conduct private business activities unless the approval for such outside employment has been recommended in advance by the employee's department head and approved by the Director of Human Resources and Risk Management.
  - a. Outside employment and private business activities must be conducted on personal time and outside the employee's normal working hours.
  - b. An employee must be available to the District for emergency work, stand-by, call out or necessary overtime at all times. Outside employment or private business activities will not be approved if it precludes this availability.
  - c. The approval for an employee's outside employment may be revoked at any time by the General Manager.
7. Eastern Municipal Water District shall not be subject to claims or held liable for any damages or injuries incurred by an employee's outside employment, private business activity, or service in elected or appointed public office, or travel to or from employee's outside employment, private business activities, or elected or appointed public office.
8. Violation of any of these provisions may result in corrective action as appropriate up to and including discharge.

**III. PROCEDURE**

The following outlines the review process whenever a full-time, regular District employee is seeking authorization for outside employment/private business activities. A separate process noted below will be followed for employees seeking or holding elected or appointed public office

1. Outside Employment/Private Business Activities:
  - a. The employee shall submit the Request for Approval of Outside Employment/Private Business Activities to his/her department head. This form must be submitted prior to beginning the outside work.
  - b. The Request for Approval of Outside Employment/Private Business Activities form must be filled out completely, including detailed information about the nature of the work performed, the employer, and the time commitment involved.
  - c. The request for Approval of Outside Employment/Private Business Activities form must include the signature of the employee's department head.

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- d. The department head shall review and recommend the request and then forward it to the Director of Human Resources and Risk Management, who will review it and either approve, deny it, or request additional information.
  - e. Employees shall have the right to submit a written appeal of the decision to the General Manager. In all cases, the General Manager's decision regarding the appropriateness of outside employment, outside elected or appointed public office, or private business activities shall be final.
  - f. Employees are required to submit an approval form for each outside employer. If the job duties associated with an employee's approved outside employment change, a new form must be submitted.
  - g. The Human Resources Department shall maintain a database of all outside employment requests, including the status of each request.
2. Elected or Appointed Public Office:
- a. The District will honor an employee's right to seek and hold elected or appointed public office provided there are no potential conflicts, violations of District policy or violations of applicable statutes.
  - b. If a potential conflict, violation of District policy or incompatibility of duties becomes a concern, the District's Director of Human Resources will review the matter and consult with the employee in an effort to resolve or avoid such potential conflict, policy violation or incompatibility. This review may include consultation with the District's General Counsel regarding statutory conflicts of interest, potential incompatibility of public office, or incompatibility of public employment. If it is not possible to resolve or avoid such conflict, policy violation or incompatibility, the District will ask the employee either to resign employment with the District, or to resign from elected or appointed public office and may take other action as appropriate.