



<b>TITLE:</b>
Incompatible Activities and Outside Employment Policy
<b>ADOPTED BY BOARD OF HARBOR COMMISSIONERS:</b>
November 24, 2014
<b>EFFECTIVE DATE:</b>
This Administrative Policy is effective upon approval by the Board of Harbor Commissioners.
<b>SUPERSESSION:</b>
This policy supersedes Administrative Policy # 12700.
<b>PURPOSE:</b>
This Administrative policy regulates the practice of outside employment by Oxnard Harbor District employees, particularly when a conflict of interest exists or when such employment would impair an employee's effectiveness or ability to perform District duties and responsibilities.
<b>POLICY:</b>
<p>1. BACKGROUND</p> <p>The Oxnard Harbor District looks to various California Statutes for rules, regulations, and information on conflicts of interest and incompatible activities. As public employees, District employees are subject not only to laws and regulations on incompatible activities and outside employment, but to numerous laws, regulations and court decisions related to conflicts of interest, ethics and use of public information for personal gain. The District seeks to maintain the highest level of standards for its officers, managers and employees. This includes compliance with the letter and spirit of California Government Code Sections 1125-1129.</p> <p>2. POLICY</p> <p>Employees may inadvertently or intentionally place themselves in situations where there may be a conflict of interest or incompatible outside employment. All employees shall provide written notification of outside employment to the CEO &amp; Port Director as described in Section 4 of this policy.</p> <p>The District recognizes that employees may seek or continue outside employment and receive compensation for such activities. It is not the intent of this policy to prohibit such activities provided the activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's duties or responsibilities to the District.</p>

A. Prohibiting Conditions

District employees are prohibited from holding employment outside of their District service when one or more of the following conditions exist:

- a. The outside employment interferes with satisfactory service to the District and the inability of the employee to fulfill his/her work schedule as required by the District.
- b. The outside employment involves the use for private gain or advantage of the District's time, facilities, equipment, supplies, badge or photo identification, uniform, knowledge of District security and/or confidential information or influence or accepting any money or other consideration from anyone other than the District for performance of work or activities which would be required or rendered during the course of the employee's regular work schedule.

B. Notification

Upon adoption or revision of this policy, a written notification must be given to the CEO & Port Director by employees for all regular full- or part-time outside employment and for all occasional outside employment, including self-employment. Failure to provide such information, within fifteen (15) calendar days of the date of distribution of this policy to employees of the District, may be cause for disciplinary action consistent with the District's policies and, for represented employees, with any and all provisions of their collective bargaining agreement. The notice shall contain the same information as for a request for outside employment as indicated below.

A written request for outside employment must be provided to the CEO & Port Director for approval prior to acceptance of any regular outside employment, occasional outside employment and self-employment. The written request shall include a statement that contains the name of the employer (or statement of self-employment), the total hours worked weekly, and the nature of and the duration of employment. The CEO & Port Director shall promptly approve or disapprove in writing the request for outside employment. If the CEO & Port Director fails to respond to the employee's request within fifteen (15) calendar days, the request shall be deemed approved by the CEO & Port Director. If the CEO & Port Director disapproves the employee's request, the CEO & Port Director shall provide in writing to the employee the reason(s) for disapproval.

C. Order to Cease Outside Employment

If the CEO & Port Director finds that an employee's outside employment is incompatible with the employee's District duties and responsibilities, the CEO & Port Director shall disapprove the outside employment. The CEO & Port Director shall provide to the employee in writing the reason(s) for the disapproval. Upon disapproval by the CEO & Port Director, the employee shall cease outside employment or may face disciplinary action.

If the CEO & Port Director determines that the employee's outside employment creates a conflict of interest, or is incompatible with the employee's employment by the District, within fifteen (15) calendar days of the date the employee is notified of the CEO & Port Director's



decision, the employee may appeal the decision to the Board of Harbor Commissioners by serving on the CEO & Port Director, or in the absence of the CEO & Port Director, the Chief Finance & Administrative Officer, a written notice of appeal. Upon service of such notice of appeal, the matter shall be placed on the agenda of the Board of Harbor Commissioner' for the next regularly scheduled meeting for the Board's decision. The decision by the Board shall be final.

If an employee violates this policy, by for example failing to request approval for or report outside employment or continuing to engage in outside employment determined by the CEO & Port Director to be a conflict of interest or incompatible with the employee's employment by the District, the employee shall be subject to discipline in accordance with the District's Policies and Procedures for the Administration of Employer-Employee Relations concerning disciplinary proceedings.

**RELATED POLICIES AND PROCEDURES:**

None.

**DEFINITIONS:**

None.