

SAN MATEO COUNTY
HEALTH SYSTEM

EFFECTIVE DATE: January 23, 2015

HEALTH POLICY NO.: A-14

SUBJECT: Governing Incompatible Activities and Outside Employment for
Employees of the San Mateo County Health System

AUTHORITY: Federal, State and Local Confidentiality Regulations

The provisions of Chapter 2.75.010 of Title 2 of the San Mateo County Ordinance require that each Department Head must adopt rules relating to incompatible activities and outside employment.

SUPERCEDES: PURPOSE:

To prohibit County employees from engaging in an employment, activity or enterprise which is inconsistent, incompatible, in conflict with or inimical to the duties imposed on such employees by virtue of their employment with the County of San Mateo.

POLICY:

1. All employees of the Health System shall disclose all outside activities for compensation to the Director of his/her division to determine whether or not the activity relates to the employee's County duties or may be subject to review by any other officer, employee, board or commission of the County. Approval of such outside activities shall be based upon a determination by the Division Director (or in the case of Division Directors, the Chief of Health System) or his/her designee that the activity in question is not in conflict with the employee's County responsibilities.
2. Section 2.75.070 of the Ordinance Code places a limit of twenty (20) hours per week on the outside employment of any employee holding a full-time position with the County. For Health System employees, the limit for part-time employees will not exceed sixty (60) hours per week for combined County and outside employment. For senior management employees, given the nature of their position, it may not be possible for them to have any outside employment. Accordingly, senior management employees must request written permission of their Division Director, or in the case of a Division Director, of the Chief of Health System, to part take in any outside employment. Said requests for outside employment will be decided on a case by case basis.

3. No employee shall engage in any outside employment, activity or enterprise for compensation or otherwise with any person, agency or organization that is under contract to provide services to San Mateo County nor with any agency with whom the employee works as part of his/her County employment.
4. No employee shall engage in any outside employment, activity or enterprise if it involves the use of County time, facilities, equipment, or supplies, or the influence or prestige of the employee's position for profit, gain, or advantage.
5. No employee, his/her spouse or domestic partner shall serve on any board, commission or similar body of any agency or organization which contracts with the Health System or receives funding from the Health System. Persons currently serving in such capacity shall report that fact in writing to the Director/ within ten (10) calendar days of the receipt of these policies and shall have ninety (90) days to resign. This policy does not apply to appointments made by the Board of Supervisors as those appointments are governed by Ordinance code section 2.75.060.
6. No employees, his/her spouse or domestic partner shall purchase or otherwise acquire, either directly or indirectly, any real or personal property of any conservatee of the San Mateo County Public Guardian or any decedent's estate administered by the San Mateo County Public Administrator.
7. No employee of the Health System shall assume responsibility for service, eligibility, licensing or inspection activities involving a relative of the employee by blood, adoption or marriage, or including any member of the employee's household.
8. No employee, his/her spouse or domestic partner shall serve on any body which has a contractual or legislative responsibility to regulate or monitor any of the services/activities provided by the Health System for compensation or otherwise. Persons currently serving in such capacity shall report the fact in writing to the Director/ Chief of Health System within ten (10) calendar days from receipt of the policies and shall have ninety (90) days to resign. This policy does not apply to appointments made by the Board of Supervisors as those appointments are governed by Ordinance code section 2.75.060.
9. No employee shall refer to himself/herself for private care or treatment of any County patient or client or applicant for services by this System. The only exception to this policy would be for the clinical benefit of the patient, and the referral must be approved by the Director or the Director's designee. Such approval shall be documented in writing in the patient's or client's record.

It is the responsibility of each employee to acknowledge receipt of these policies and to ask questions for which he/she needs clarification. All employees who are aware of any conflicts or potential conflicts of interest between them or their spouses or domestic partner's private activities and County employment, whether or not specifically mentioned herein, have the responsibility to discuss them with their Division Director and to take the appropriate action.

An exemption to subdivisions 3, 5 and 8 of this policy may be obtained upon written application to the Chief of Health System who shall determine, after consultation with County Counsel that no conflict exists. The decision regarding this exemption will be provided in writing to the employee.

Failure to comply with these procedures may result in disciplinary action up to and including dismissal from County employment pursuant to Ordinance Code Section 2.75.050.

Pursuant to sections 2.75.040 and 2.75.050 of the County's Ordinance Code, employees shall be notified of these Departmental Rules Governing Incompatible Activities, shall be notified if they are alleged to have violated such rules, and shall have a right to appeal any such discipline as follows:

Classified employees - The provisions of Civil Service Rule XIV as to notice and hearing shall be applicable to discipline imposed after a determination that a classified officer or employee has engaged in an incompatible activity or prohibited outside employment to the extent such classified officer or employee would otherwise be entitled to an appeal of such discipline under the provisions of the Charter or the rules of the Civil Service Commission.

Unclassified officers/employees - Any unclassified officer or employee may, upon being notified by the Chief of Health System or his/her designee that said officer or employee has engaged in an incompatible activity or prohibited outside employment, may request a hearing before the Chief of Health System or his/her designee, and such hearing shall be given to said officer or employee within a reasonable time. The purpose of such hearing is to permit the officer or employee to present evidence or argument in opposition to, or in mitigation of, the determination that he/she has engaged in an incompatible activity or prohibited outside employment. Such hearing is not a formal hearing and no witnesses will be allowed to testify, nor will any questioning or examination of individuals be allowed. Participation in any incompatible activity or prohibited outside employment by an unclassified employee or officer may be cause for discipline including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal; provided that if disciplinary action is taken against an unclassified officer or employee on the ground that said officer or employee has engaged in an incompatible activity or prohibited outside employment, said officer or employee may appeal the determination of the Chief of Health System or his/her designee to the Committee on Incompatible Activities, which Committee shall inquire into the facts surrounding said disciplinary action, and shall thereafter make a recommendation to the Chief of Health System on the question of whether the proposed disciplinary action should be taken. Said Committee recommendation shall not be binding on the Chief of Health System and nothing this policy is intended to interfere with the Chief of the Health System's authority to impose discipline on officers or employees including, but not limited to, suspension, demotion, reprimand, transfer, or dismissal. Should the Chief of the Health System, or his/her designee, reject the Committee's recommendation and impose discipline on an officer or employee, such discipline shall not constitute a violation of the policies set forth herein.

COUNTY OF SAN MATEO
HEALTH SYSTEM

Employee Statement: Policies Governing Incompatible Activities and Outside Employment

Name: _____

Division: _____

Work Site: _____

Please review the System Policies Governing Incompatible Activities and Outside Employment and check the appropriate item(s) below:

_____ I am not presently employed other than by the County or involved in any activities or enterprise prohibited by the policies.

_____ I am currently employed at the following non-County position or activity which is (a) not prohibited by the policies and (b) for less than 20 hours a week:

_____ I am planning on or am currently engaged in outside employment, activity or enterprise which is prohibited by the policies, and I am requesting to be exempted from the policies.

_____ The exemption is requested because the outside employment will be for _____ hours per week.

_____ The exemption is requested because the employment, activity or enterprise is prohibited by the policies.

Please describe the outside employment, activity or enterprise for which an exemption is sought, including name and address of employer and reasons for the exemption.

Number of hours per week: _____

_____ I have previously received written approval of the Chief of Health System to be employed in a non-County position or to be involved in an activity or enterprise that is prohibited. (Please attach a copy of the written approval).

_____ I have read the policies and declare that the above information is correct to the best of my knowledge. I understand that I must resubmit this form in the event of a change in outside employment activity or enterprise status or if I am employed by a different System within the County.

Signature of Employee: _____ Date: _____

Supervisor: _____ Division: _____

Chief of Health System: _____ Date: _____

To be completed by Chief of Health System if an exemption is requested.

Action on requested approval:

Approve

Disapprove

Comments:

Signature of Chief of Health System

Date

Received notification of Chief of Health System System's action

Signature of Employee

Date

When complete, this document is to be placed in the employee's personnel file.