

City of Red Bluff  
Administrative Policies & Procedures – Personnel Manual

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| <b>Subject:</b><br><br>Outside Employment and Incompatible Activities |   | <b>Number:</b><br>22-11              |
|   |   | <b>Effective Date:</b><br>10/17/2023 |
| <b>Departments Affected:</b><br>All                                   |   | <b>Supersedes (Number/Date):</b>     |
| <b>Authority:</b><br><br>Section 2.82-A. Red Bluff City Code          | <b>File References:</b>                                     |                                      |
|   | <b>Approved:</b><br>Approved by City Council on: 10/17/2023 |                                      |

**Overview:** City of Red Bluff recognizes employees may want to engage in outside employment. Employees of the City of Red Bluff are permitted to engage in outside work, subject to certain restrictions.

**Applicable to:** All employees

**Guidelines:** The City of Red Bluff should be considered the primary employer for all full-time employees. Any outside employment and volunteer service may be restricted if:

- The employee uses City time, facilities, equipment, supplies, property, vehicles, tools, badge, uniform, influence, certificates/licenses (excluding drivers' licenses) provided under or sponsored by the City, or prestige of the employee's position for personal profit or advantage.
- The employee performs any work, service, or counsel that involves the receipt or acceptance of money or other consideration from any person or agency other than the City for the performance of an act that is required of the employee as part of their regular City duties.
- The employee performs any act in other than their capacity as a City employee which may later create an obligation or liability for the City, or be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City and there is likelihood of potential favoritism, selective enforcement, or misuse of City information. An example of this would be to serve on a steering committee or board of a public or private foundation which is funded, contracted, or administered by a City agency.
- It results in poor job performance, absenteeism, tardiness, or unnecessary distractions such as communications during paid work hours.
- It involves the availability of City information which would not be available to the general public.
- It improperly represents the service provided as a service of the City or as endorsed by the City.
- It implies the employee will use their position with the City to further the interests or goals of an individual, company, or firm in doing business with the City.

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- It involves activities rendered to City clients for private compensation which are expected to be rendered in the course of duties of the City employee.
- The service is one mandated by the City as part of a treatment or punitive program. An example of this would be for a City employee to mandate counseling as treatment under a City drug and alcohol recovery program, and then providing the counseling as a private practitioner.

#### **Notice to Department Head**

Employees who wish to engage in outside employment or volunteer work that is substantially similar in nature to their City employment, or possibly creates a conflict of interest shall submit a request to do so with their Department Head or Human Resources prior to engaging in such activity. Department Heads who wish to engage in outside employment shall submit a request to the City Manager. Employees who were engaged in outside employment prior to the creation of this Rule must submit a request to Human Resources within 30 working days of receiving notice of the approval of this Personnel Rule.

Receipt of the request does not constitute approval of such outside employment by Human Resources. Human Resources will provide approval or denial of the request in writing to the employee within 10 working days.

The employee's failure to provide notification as required may be cause for disciplinary action pursuant to the provisions of this Personnel Rule. An employee's failure to comply with a written order to cease outside employment or volunteer services may be cause for disciplinary action.

#### **Safety Employees**

Safety personnel should reference their specific Department policies for incompatible outside employment and activities. These policies may be stricter in regard to the effect on representing the City in a Safety role.

#### **If request is approved:**

Any City employee who is a member, officer or director of a corporation, including non-profit, shall recuse themselves from any involvement in establishing or influencing any contractual relationship between the City and the corporation, including making or influencing decisions regarding whether to enter into a contractual relationship, procurement, contract drafting or negotiation, or monitoring of the contractor's performance, unless statutorily authorized to do so.

#### **If request is denied:**

Employees shall have the right to appeal an order to cease outside employment by submitting an appeal in writing to the City Manager by way of Human Resources. The written appeal must be submitted within 10 working days of the employee's receipt of the order to cease outside employment. The appeal should present evidence or argument in opposition that the employee is engaging in incompatible activities.

Upon receipt of a request for outside employment or volunteer work, the Human Resources Department will review the request for potential interference with the employee's performance of their regularly assigned job duties and compliance

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with this Personnel Rule. The nature of the employee's proposed secondary employment cannot in and of itself prevent an employee from being allowed to pursue secondary employment. The Human Resources Department shall notify the employee, in writing, within 10 working days of receipt of the request whether the request has been approved or denied. If the request is denied, the Human Resources Department shall provide reasons for such a decision.

If the Human Resources Department believes that the secondary employment has caused the employee's overall work performance to drop below a satisfactory performance level, the supervisor must first approach the matter with the employee as a performance issue and provide the employee adequate time to demonstrate improved performance.

If, within a reasonable period of time, the employee's performance continues to be below satisfactory, and if the Department Head has supporting documentation which indicates that the secondary employment is the cause of these performance problems, the Human Resources Department and City Manager may deny the employee's secondary employment. The Department should allow the employee a reasonable amount of time to give notice of termination to the secondary employer. An employee's refusal to end their secondary employment as directed by this rule is considered a matter of personal misconduct and may be subject to disciplinary action, up to and including dismissal.

A Department Head, after partnering with Human Resources, may order an employee to cease working at any volunteer work or outside employment, if the employment is in violation of any of the provisions of this Rule. The Department Head may immediately demand suspension of outside employment pending the final determination of the incompatibility.

The Human Resources Department will place any requests, approvals, denials, or appeals for Outside Employment in the employee's personnel file.

**References:** Govt. Code §1125-1126, §1090, §19990; Fair Labor Standards Act §207; Fact Sheet #23: Overtime Pay Requirements of the FSLA; Guerrero vs. Superior Court; National Labor Relations Board Browning-Ferris Decision