

DATE SUBMITTED 03/25/2025
 SUBMITTED BY Human Resources
 DATE ACTION REQUIRED 04/02/2025

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: 1. Approval and adoption of the Outside Employment Policy	
DEPARTMENT INVOLVED: Human Resources	
BACKGROUND/SUMMARY: The City of Imperial is requesting the Council's consideration in the adoption of the Outside Employment Policy. The City has developed this policy in accordance with California Code Section 1125 et seq. that no employee may engage in any outside employment, enterprise, or activity for compensation that is inconsistent, incompatible, in conflict with, or adverse to their employment or their ability to perform their duties and responsibilities, including performance of overtime work and emergency duties, or any other aspect of Agency operations. This policy is not intended to remove opportunities for outside employment for employees; instead, the policy's intention is to ensure compliance with the California Government Code and prevent conflicts of interest. This policy will provide direction to staff on the process to disclose outside employment. The policy provisions apply to all city staff except the Police Department who are to follow the Imperial PD Policy Manual instead.	
FISCAL IMPACT: NOT TO EXCEED There is no fiscal impact associated with this action.	FINANCE INITIALS <u>JMS</u>
STAFF RECOMMENDATION: Recommendation to approve and adopt the Outside Employment Policy.	DEPT. INITIALS <u>KWS</u>
MANAGER'S RECOMMENDATION: Approve Staff Recommendation	CITY MANAGER'S INITIALS <u>OHM</u>
MOTION: SECONDED: _____ APPROVED () REJECTED () AYES: _____ DISAPPROVED () DEFERRED () NAYES: _____ ABSENT: _____ REFERRED TO: _____	

<p>POLICY NAME:</p> <p>Outside Employment Policy</p>	<p>AUTHORITY:</p> <p>City of Imperial</p>
<p>APPLICATION:</p> <p>All Employees (except Police Department employees)</p>	<p>DATE APPROVED:</p> <p>Pending CC Approval City Council Agenda Item – April 2, 2025</p>



**CITY OF IMPERIAL
OUTSIDE EMPLOYMENT
POLICY**

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CITY OF IMPERIAL

OUTSIDE EMPLOYMENT

POLICY

I. APPLICABILITY

This policy applies to all employees of the City except for the Police Department who are to follow instead the Imperial PD Policy Manual's Outside Employment Policy 1023, Political Activities, Endorsements, and Advertisements Policy 1024.6, and Unauthorized Endorsements and Advertisements Policy 1030.4.1.

II. POLICY

In accordance with California Government Code Section 1125 et seq., no employee may engage in any outside employment, enterprise, or activity for compensation that is inconsistent, incompatible, in conflict with, or adverse to their employment or their ability to perform their duties and responsibilities, including performance of overtime work and emergency duties, or any other aspect of Agency operations. It is not the City's or this policy's intention to remove opportunities for outside employment for employees; instead, the intention is to ensure compliance with the aforementioned California Government Code to maintain a clear separation and prevent conflicts of interest. Employees must notify their Department Head in writing of all actual or planned outside employment, enterprise, or activity by completing the Outside Employment Disclosure Form (Appendix A) so that the Agency may assess whether such outside employment, enterprise, or activity conflicts with the employee's Agency employment. This form will be provided to employees upon hire and available to access on the employee intranet and upon request from the Human Resources Department.

An employee's outside employment, enterprise, or activity will be prohibited when any of the following are present:

- It involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the Agency for the performance of an act that the employee would be required or expected to render in the regular course of their Agency employment or as part of their duties as an Agency employee;
- It involves the use of their Agency time, facilities, equipment, supplies, badge, uniform, prestige, and/or influence for private gain or advantage;
- It involves the performance of an act outside their capacity as an Agency employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the Agency; or
- It involves time or scheduling demands that would negatively impact the performance of their Agency duties or render their performance less efficient.



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To the extent permitted by law, the City acknowledges that certain outside employment activities, while potentially similar in nature to an employee's City responsibilities, may not necessarily create a conflict of interest with their City of Imperial job description and will consider this distinction during the conflict of interest review process.

Employees who have approved outside employment are required to notify the Human Resources Department in writing upon the termination of any approved outside employment. This notification should include the date the outside employment ended. Providing the reason for termination is not required. This requirement ensures the City maintains accurate and up-to-date records regarding employee outside employment.

III. DEPARTMENT HEAD DETERMINATION

When an employee reports outside employment, enterprise, or activity the Department Head will determine whether the employee's outside employment, enterprise, or activity conflicts with the performance of their duties and shall advise the employee of their determination in writing on the Outside Employment Disclosure Form. Such determination shall be solely on the existence of a conflict.

IV. APPEAL OF DEPARTMENT HEAD'S DECISION

Within 10 business days of receiving the Department Head's written determination, the employee may appeal the decision by filing a written appeal (Appendix B) with the Human Resources Manager. The employee shall specify the grounds for challenging the Department Head's decision and attach all relevant documentary evidence. The Human Resources Manager shall schedule a meeting with the employee and the Department Head to discuss the Department Head's decision. The Human Resources Manager shall issue a written decision to the employee and the Department Head no later than 10 business days from the meeting date. The decision of the Human Resources Manager shall be binding and final and is not subject to further appeal or grievance.

Within 10 business days of receiving the written determination from the Human Resources Manager, the employee may appeal the decision by filing a written appeal (Appendix C) with the City Manager. The employee shall specify the grounds for challenging the Human Resources Manager's decision and attach all relevant documentary evidence. The City Manager shall schedule a meeting with the employee and the Human Resources Manager to discuss the Human Resources Manager's decision. The City Manager shall issue a written decision to the employee and the Department Head no later than 10 business days from the meeting date. The decision of the City Manager shall be binding and final and is not subject to further appeal or grievance.



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An employee's failure to comply with the City Manager's decision or failure to report outside employment as required by this policy may result in disciplinary action, up to and including termination of employment. Any disciplinary action taken will be in accordance with the relevant Memorandum of Understanding (MOU) and all applicable City policies and procedures governing the affected employee.

V. CONDUCT DURING THE WORKDAY

During the workday, employees are expected to devote their full time to performing their assigned job duties. Any approved outside work, part-time job, hobbies, or personal business must be performed during off-duty hours. Off-duty hours include unpaid meal break periods but do not include other rest or break periods during which the employee continues to receive pay.

VI. POLITICAL ACTIVITY

Consistent with the provisions of California Government Code Title 1, Division 4, Chapter 9.5, Sections 3206 and 3207, employees may not engage in political activity during working hours while on areas of Agency property where members of the public would not be entitled to engage in similar political activities, or while in uniform.



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APPENDIX A

OUTSIDE EMPLOYMENT DISCLOSURE FORM

EMPLOYEE INFORMATION

Employee Name: _____

Job Title: _____

Department: _____

Direct Supervisor: _____

OUTSIDE EMPLOYMENT INFORMATION*

**Includes any outside employment, enterprise or activity for compensation.*

Employer Name: _____

Employer Address: _____

Employer Phone Number: _____

Type of Business: _____

Work Schedule: _____

Duration of Employment: _____

Job Title: _____

Description of Job Duties: _____



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**APPENDIX A
OUTSIDE EMPLOYMENT DISCLOSURE FORM
(CONTINUED)**

EMPLOYEE CERTIFICATION AND SIGNATURE

By signing below, I confirm that the information provided above is true, complete, and correct to the best of my knowledge. I understand that my Department Head will review this information and provide a written response regarding the approval or denial of my proposed outside employment, enterprise, or activity. I understand that if my Department Head denies my request, I have the right to appeal the decision in writing by following the steps outlined in this policy. The Human Resources Manager will review the appeal. If I disagree with the outcome of the Human Resources Manager's appeal review, I have the right to submit a further appeal to the City Manager, whose decision will be final. I confirm that this outside employment, enterprise, or activity does not create a conflict of interest and will not impair my ability to perform my regular duties and responsibilities, including overtime work and emergency duties, as an employee of the City of Imperial. I also confirm that I will perform this outside employment, enterprise, or activity exclusively during my off-duty hours.

Print Full Name: _____

Employee Signature: _____ **Date:** _____

DEPARTMENT HEAD REVIEW

I have reviewed the proposed outside employment, enterprise, or activity listed above and have considered whether it will conflict with their ability to perform the duties and functions of their position.

Approved **Denied**

Comments: _____

Print Full Name: _____

Department Head Signature: _____ **Date:** _____

Date Department Head Provided Decision to Employee: _____

Please provide a copy to both the employee and Human Resources Department.



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APPENDIX B

WRITTEN APPEAL TO HUMAN RESOURCES MANAGER
FOR OUTSIDE EMPLOYMENT

Must be submitted to the Human Resources Manager within 10 business days of the employee's receipt of the Department Head's written determination. Please attach all relevant documentary evidence, including the outside employment disclosure form.

EMPLOYEE APPEAL

Please Describe your Appeal: _____

Print Full Name: _____

Employee Signature: _____ Date: _____

HUMAN RESOURCES MANAGER REVIEW

I have reviewed the appeal and the proposed outside employment, enterprise or activity listed above and have considered whether the proposed outside employment will conflict with their ability to perform the duties and functions of their position.

Approved Denied

Comments: _____

Print Full Name: _____

Human Resources Manager Signature: _____ Date: _____

Date Provided Decision to Employee: _____

Date Provided Decision to Department Head: _____



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APPENDIX C

**WRITTEN APPEAL TO THE CITY MANAGER
FOR OUTSIDE EMPLOYMENT**

Must be submitted to the City Manager within 10 business days of the employee's receipt of the Human Resources Manager's written determination. Please attach all relevant documentary evidence, including the outside employment disclosure form.

EMPLOYEE APPEAL

Please Describe your Appeal: _____

Print Full Name: _____

Employee Signature: _____ **Date:** _____

CITY MANAGER REVIEW

I have reviewed the appeal and the proposed outside employment, enterprise or activity listed above and have considered whether the proposed outside employment will conflict with their ability to perform the duties and functions of their position.

Approved **Denied**

Comments: _____

Print Full Name: _____

City Manager Signature: _____ **Date:** _____

Date Provided Decision to Employee: _____

Date Provided Decision to Department Head/Human Resources: _____



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APPENDIX D

**EMPLOYEE ACKNOWLEDGMENT OF
RECEIPT OF OUTSIDE EMPLOYMENT POLICY**

My signature below acknowledges that I have received my copy of the City of Imperial's Outside Employment Policy ("Policy") and that I have read the Policy and understand my rights and obligations under the same.

I understand that this Policy only represents the City of Imperial's current policies, procedures, rights, and obligations. Regardless of what the Policy states or provides, the City of Imperial retains the right to add, change, or delete provisions of the Policy at any time and in its sole discretion.

By signing below, I agree to abide by all provisions of the Policy. I understand that failure to fully comply with all provisions of the Policy may lead to disciplinary action, up to and including termination.

PRINT FULL NAME: _____

SIGNATURE: _____

DATE: _____

(RETAIN IN EMPLOYEE PERSONNEL FILE)