

Section 1: PURPOSE

To establish conditions and limits under which City of Manteca ("City") employees may engage in outside employment or enterprise.

Section 2: POLICY

- A. It is the policy of the City that no City employee shall engage in any outside employment activity or enterprise which is unsuitable or in conflict with his or her duties, functions, or responsibilities as a City employee, nor shall he or she engage in any activity which will directly or indirectly contribute to the lessening of his or her effectiveness as a City employee.
- B. No City employee may engage in outside work activities which may reasonably cause that employee to be recognized as a City employee, when such recognition may reasonably cause confusion as to whether the employee is acting independently or as an agent of the City.

Section 3: PROCEDURE

- A. An employee wishing to engage in an occupation or outside activity for compensation shall inform the City Manager of such desire through his or her Department Manager by completing the form in Exhibit A, stating the nature of the activity, the time required, and such other information as may be needed to determine whether the activity is compatible with City employment.
- B. In making a determination as to the acceptability of the outside activities or occupation, the City Manager shall consider, among other pertinent factors, whether the activity:
 - 1. Involves acceptance by the employee of any money or other consideration for the performance of an act which the employee would be expected to render as a regular part of his or her duties as a City employee;
 - 2. Involves the performance of an act outside City employment which may later be subject to the control, audit, inspection, or enforcement of that employee or the department by which he or she is employed;
 - 3. Involves conditions which are likely to lessen the efficiency of an employee in his or her regular City employment or provide conditions of substantial

danger of injury or illness;

4. Involves the use for private gain or advantage of City time, facilities, equipment and supplies, information, prestige or influence of the employee's City office or employment.

C. In compliance with the stated purpose of this policy, the City Manager may permit employment in any or all of the following activities:

1. To teach, in an accredited educational institution, subject matter courses which are in keeping with the employee's official duties;
2. To appear as an expert witness in appropriate legal proceedings, subject to individual case approval;
3. Any other employment which the City Manager may determine is not in conflict with this policy.

D. No City-owned equipment, autos, tools, trucks, supplies or any other item shall be used by any employee while the employee is engaged in any outside employment or activity.

E. Employees are not eligible for City worker's compensation benefits for injuries incurred in their outside employment.

F. Hours of Outside Employment:

1. Except for situations which are approved in advance by the City Manager, no employee will work at an outside job for which they receive remuneration based on hours worked or at a fixed salary for more than five (5) hours per "workweek." The "workweek" is to be the "workweek" as defined by their position with the City.
2. No person shall, except for situations which are approved in advance by the City Manager, work at an outside job for which they receive remuneration based on hours worked or at a fixed salary, when such employment does not allow at least an eight (8) hour interval between the completion of the outside employment and the start of the employee's regular City work day.

- G. Authorization for outside employment is automatically terminated whenever the outside employer and/or nature of the outside employment changes from that specified on the request form. When such a change occurs, the employee shall apply for a new approval for outside employment as provided in this Policy.

Section 4: PENALTY FOR VIOLATION

Any violation of the provisions of this policy shall constitute grounds for disciplinary action, up to and including dismissal of a City employee who commits such violation.

**EXHIBIT A
CITY OF MANTECA – OUTSIDE EMPLOYMENT**

DATE: _____

EMPLOYEE NAME: _____

DEPARTMENT: _____

JOB TITLE: _____

NAME OF OUTSIDE EMPLOYER/ENTERPRISE: _____

ADDRESS OF OUTSIDE EMPLOYER/ENTERPRISE: _____

PHONE: _____

NUMBER OF HOURS PER WEEK: _____
(Maximum average if not a regular schedule)

TYPE OF EMPLOYMENT AND DUTIES TO BE PERFORMED: _____

Under State law you may not engage in any outside employment which is inconsistent, incompatible or in conflict with your City duties. The City Manager has the authority to prohibit any outside employment which:

1. Involves the use of City time, facilities, equipment or supplies for your private gain;
2. Involves the acceptance of money from any person for any work which you would be expected to do as part of your City employment;
3. Involves work which may later be reviewed or inspected by any City employee;
4. Involves such time demands that you would be less efficient in performing your City duties; or
5. Involves outside hours of employment which exceed (violate) the provisions of City Policy Section F.

You should also know that you are not eligible for City worker's compensation benefits for injuries incurred in your outside employment. Failure to complete this form, or failure to provide complete and accurate information, may subject you disciplinary action up to and including dismissal.

I have read the information printed above the Outside Employment Policy and I will comply at all times with the provisions of the above and the Policy. The information I have provided is accurate and complete. I hereby authorize the City at any time to contact my outside employer regarding hours worked and employment status.

EMPLOYEE: _____

DATE: _____

SUPERVISOR: _____

DATE: _____

_____ Approved

_____ Denied

DIRECTOR: _____

DATE: _____

_____ Approved

_____ Denied

CITY MANAGER: _____

DATE: _____

ADMINISTRATIVE SERVICES DIRECTOR: _____

DATE: _____

Original to Administrative Services
Copy to Employee and Department Director