

DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL

**Personnel
Directive**

Subject: OUTSIDE EMPLOYMENT

ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES

June 20, 2007

PERSONNEL DIRECTIVE NO. 10

BACKGROUND

On March 6, 1968, the Board of Public Works adopted Personnel Policy No. 1, Outside Employment and Conflict of Interest (revised 10/17/2001) which states that the primary employment responsibility of Public Works employees is to this Department. The policy provides for outside employment only if such employment is compatible with their Departmental responsibility and if such employment does not involve hours of work or physical effort that reduces the quality and quantity of the employee's performance on the job. Personnel Policy No. 1 was issued in conformance with the City's Code of Ethics. The latter was adopted by Council Resolution on July 21, 1959 and amended on August 23, 1979 and July 5, 2005.

The City's Code of Ethics, Charter, Governmental Ethics Ordinance (LAMC Section 49.5.1 et seq.), Mayoral Executive Directives and state law are the sources of information on ethical conduct for the City's elected officials and employees, including outside employment. The procedures in this Directive have been developed to facilitate compliance with the City's regulations regarding outside employment (see LAMC Section 49.5.9). This Directive is not intended to contain a comprehensive discussion of the laws relevant to outside employment, however, and therefore employees should also consult the City Ethics Commission and City Attorney's Office for further advice regarding outside employment. This Directive has been revised to include the latest revision of Form No. PA-27 (modified 06/2007), which adds language specifying additional documentation and certification required from City employees who drive commercial vehicles for the City and have secondary employment. (See Part III of the Procedure Section for details.)

PROCEDURE

- I. The employee, before accepting outside employment or before actively participating in any outside business enterprise, shall secure approval from the Head of his Bureau or Office. Similarly, if a new employee is engaged in outside employment or in a business enterprise at the time of his appointment to a City position, he shall obtain approval to continue such outside activity in addition to his City employment.
- II. The employee shall complete a Notice of Intention to Engage in Outside Employment, Form No. PA-27 (Modified 05/2005). Whenever possible the Notice of Intention shall be submitted at least 14 calendar days before outside employment begins.

- III. In compliance with State Motor Carrier Safety Regulations, all commercial drivers who have secondary employment shall, in addition to completing Form No. PA-27:
 - A. Provide their supervisor with a true and correct signed record of "On Duty Status" as described in Title 13 CCR, Chapter 6.5, and Sections 1200-1212, et seq. Al.; and,
 - B. Certify that the outside employment will not cause them to exceed the maximum on duty/driving allowed within a work period, in accordance with Federal Motor Carrier Safety Regulations (49 CFR).

- IV. The Head of the employee's Bureau/Office shall review the employee's Notice of Intention to Engage in Outside Employment. If the Head of the employee's Bureau/Office determines that the outside employer is a restricted source for the employee within the meaning of the City's Governmental Ethics Ordinance, then the request for outside employment shall not be granted without prior written approval of the City Ethics Commission. In other cases, approval may be granted or denied by the Head of the employee's Bureau/Office. Approval shall be denied if the receipt of outside income would be inconsistent, incompatible, in conflict with or inimical to the employee's official duties, functions or responsibilities. In so determining, the Head of the employee's Bureau/Office shall consider whether one or more of the following factors is applicable (see LAMC Section 49.5.9 B):
 - A. Whether the payment or the services for which the payment would be received creates the appearance of or involves actual use of public office or employment or the time, facilities, equipment or supplies of the Department, for private gain.
 - B. Whether the payment or services for which the payment would be received involves the acceptance by the employee of any money or other consideration from anyone other than the Department for the performance of an act which the employee, if not performing such act for the outside source of income, would be required or expected to render in the regular course or hours of his or her duties as a City employee.
 - C. Whether the employee is in a position to make, to participate in making, or to influence a potential governmental decision that could foreseeably have a material financial effect on the outside source of income.
 - D. Whether the payment or services for which the payment would be received involves the performance of any act in other than an official capacity which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement of any other official of the Department.
 - E. Whether the services involve such time demands that would render the employee's performance or his or her official duties less efficient.

- F. Whether the payment or services for which the payment would be received is either directly or indirectly connected with the employee's official duties including, but not limited to: doing business with persons contacted in the course of his/her official duties, engaging in activities where the employee or his/her associates may be benefited by this official position or has knowledge of privileged information, or where such activity may influence the employee or other employees in the performance of their official duties.
- V. If the employee's outside employment is disapproved and the employee commences such employment, or if the employee at any time pursues outside employment in disregard of Departmental regulations **and City law**, the Head of the Office or Bureau in which the employee works shall direct the employee to cease and desist from such employment, and, if necessary, shall take appropriate disciplinary action.
- NOTE: Employees on leave of absence from the City service may not engage in employment, regardless of any outside employment authorization. Exception to this rule is made where employees are on loan to another agency or where such employment is specifically authorized in the leave, e.g., service in the Peace Corps or armed forces.
- VI. After the employee's Notice of Intention to Engage in Outside Employment has been approved or disapproved, the original copy of the form shall be forwarded to the Office of Management-Employee Services for inclusion in the employee's personnel file; a copy shall be retained by the head of the employee's Bureau or Office which shall maintain a list of all employees under its jurisdiction authorized to engage in outside employment; and a second copy shall be returned to the employee.
- VII. During the first week in March of each year, the head of each Bureau or Office shall review all existing authorizations for outside employment and shall assure that original Notices of Intention have been submitted for previously unauthorized employment. Both existing and new Notices shall be reviewed in terms of the standards set forth in Section IV of this Personnel Directive to insure that no conflict of interest exists or has arisen since the previous approval.
- VIII. It is the employee's responsibility to maintain current approvals. Whenever conditions of outside employment change, such as a change of employer, working hours, or duties, a new Notice of Intention must be submitted.
- IX. Employees who are denied permission to engage in outside employment may request review of the matter through their grievance procedure.

A copy of Notice of Intention to Engage in Outside Employment, Form PA-27 (Modified 03/1996), is attached for your information. Additional copies are available in the Office of Management-Employee Services.

FORMER CITY EMPLOYEES

City laws relating to post-City service lobbying are contained in the Governmental Ethics Ordinance (see LAMC Section 49.5.11), and include the following provisions:

Former employees shall not attempt to influence, for compensation, any action on a specific matter in which they personally and substantially participated in during their City service while that matter is still pending with any City agency or while the City is a party to or has a direct or substantial interest in the matter. Furthermore, former employees shall not, for compensation, advise or assist others that attempt to influence action on those matters.

Former "City officials" (i.e., those who, while employed by the City, filed financial disclosure statements pursuant to the Department's Conflict of Interest Code) **shall** not directly communicate, for compensation, with the Department for the purpose of attempting to influence any action on any pending matter before the Department *for one year* after leaving City service.

The members of the Board of Public Works have greater restrictions on their activities for one year after leaving the Board. The one-year restriction as stated above applies to direct communications, for compensation, not only with the Department, but with all City agencies.

References: City Code of Ethics, adopted by Council Resolution July 21, 1959 (Council File 76775), amended July 5, 2005
City of Los Angeles Governmental Ethics Ordinance, LAMC Section 49.5.1 et seq.
Personnel Policy No. 1, Outside Employment and Conflict of Interest, revised June 20, 2007

Supersedes: Personnel Directive #10, last revised December 16, 1983

Attachment: Form PA-27, revised 03/1996

Original: Office of Management-Employee Services
 1st copy: Originating Bureau
 2nd copy: Employee

FEDERAL LAW P.L. 93-579 SECTION 7

re: Federal Privacy Act and Use of Social Security Nos.

THIS LAW REQUIRES YOU BE INFORMED WHEN ASKED FOR YOUR SOCIAL SECURITY NUMBER. THAT IT MUST BE PROVIDED FOR USE IN EMPLOYMENT, PERSONNEL AND PAYROLL PROCESSES. AUTHORITY FOR REQUIRING THIS INFORMATION IS BASED UPON PROVISIONS OF THE CITY'S PAYROLL AND PERSONNEL CANDIDATE PROCESSING SYSTEM OPERATIONAL PRIOR TO JANUARY 1, 1975 AND APPLICABLE FEDERAL LAW.

CITY OF LOS ANGELES
 DEPARTMENT OF PUBLIC WORKS
 OFFICE OF MANAGEMENT-EMPLOYEE SERVICES
 200 NORTH SPRING STREET, ROOM 1805

NOTICE OF INTENTION TO ENGAGE IN OUTSIDE EMPLOYMENT

This form is to be completed in triplicate and submitted to the head of your bureau at least 14 calendar days before you begin your outside employment. An employee pursuing outside employment in disregard of Departmental regulations is subject to disciplinary action. A new Notice of Intention must be submitted whenever conditions of outside employment change, such as change of employer, working hours, or duties.

Employee Name		Employee Social Security Number	
Home Address		Phone Number	
Class Title		Code Number	
Bureau	Division	Work Hours	
Outside Employer		Outside Employer's Major Activity	
Outside Employer's Address		Phone Number	
Date Outside Employment to Commence	Work Hours	Total Hours Per Week	
Duties to be Performed			
I declare that my anticipated outside employment:			
A. Will not involve such hours of work or physical effort as to reduce the quality or quantity of my City employment;			
B. Is not in conflict with my official duties;			
C. Does not involve advisory or consultant services which <u>might</u> conflict with interests of the City;			
D. Does not involve any financial interest in any contract, sale, or transaction to which this Department is a party;			
E. Involves no work which is subject to my review, approval, or inspection as an employee of the City; and			
F. Will in no way cause any other conflict of interest between the City and myself.			
Date		Employee's Signature	
<input checked="" type="checkbox"/> I approve employment	<input type="checkbox"/> I disapprove employment	Bureau Head's Signature	
<input type="checkbox"/> I approve	<input type="checkbox"/> I disapprove	Supervisor's Initials	
<input type="checkbox"/> I approve	<input type="checkbox"/> I disapprove	Division Head's Initials	