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May 23, 2022

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

Request to Engage in Outside Employment

Summary

On November 22, 2021, the Triunfo Water & Sanitation District (District) Board approved Resolution No. TWSD 2021-006, this resolution establishes the employment policy & procedures for the TWSD Management and Other Unrepresented Employees and the Employee Policy Manual (Manual). Included in the Resolution (Section 4.04) and Manual (Section 2.1.8) is the Outside Employment. The Outside Employment Policy & Procedure (Attachment 1) serves as an administrative guideline for considering outside employment requests from District employees. Government Code Sections 1125 through 1129 provide the conditions and procedures for outside employment.

Discussion

The Policy applies to all full-time and part-time District employees. Currently, the District's General Manager is also serving as the Saticoy Sanitary District's General Manager. Attachment 2 is the General Manager's Request for Authorization to Engage in Outside Employment for Board approval. The outside employment of the General Manager is not in conflict with Government Code Section 1126. This request to engage in outside employment will be made annually for District Board approval.

Legal Counsel has reviewed and approved the proposed Outside Employment Policy & Procedure including the General Manager's request for outside employment authorization.

If you have any questions, please call me at (805) 658-4649 or via email at vickiedragan@triunfowsd.com.

Fiscal Impact

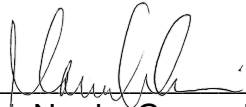
None.

Recommendation:

It is recommended the Board:

- A. Approve the Outside Employment Policy & Procedure; and
- B. Approve the General Manager's Request for Authorization to Engage in Outside Employment, and;
- C. Direct the Director of Finance to include the Outside Employment Policy & Procedure in the District's Employee Policy Manual.


VICKIE DRAGAN, DIRECTOR OF FINANCE

REVIEWED AND APPROVED: 
Mark Norris, General Manager

Attachment(s): 1. General Manager's Request for Authorization to Engage in Outside Employment Form
2. Outside Employment Policy & Procedure

TRIUNFO WATER & SANITATION DISTRICT

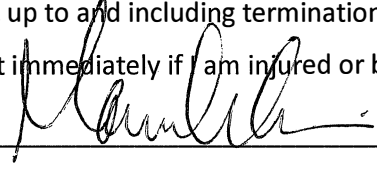
REQUEST FOR AUTHORIZATION TO ENGAGE IN OUTSIDE EMPLOYMENT

Employee Name: MARK NORRISPosition: GENERAL MANAGERDepartment: ADMINISTRATIONDate of Request: MAY 23, 2022

PROPOSED OUTSIDE EMPLOYMENT	
Name of Firm/Employer:	SATICOY SANITARY DISTRICT
Phone Number:	(805) 658-4606
Address:	1001 PARTRIDGE DRIVE, SUITE 150, VENTURA, CA 93003
Work Location(s)	
Total Hours Proposed	Per Week: 8.0 Per Month: 33.0
Days and Hours of Work:	Varies
Position Title:	GENERAL MANAGER
Briefly describe the type of business or service provided:	
Serve as the General Manager	
List tools, equipment, and machines that you operate in performing the duties:	
Phone, computer, and printer.	
Describe working conditions and hazards of this work:	
General office work conditions.	

I have read the District's Outside Employment Policy, and I affirm that my proposed Outside Employment is not in conflict with any of those rules, and I recognize that violations of District Policy regarding Outside Employment may be cause for discipline, up to and including termination of employment.

I will advise the District immediately if I am injured or become ill as a result of the outside employment.

Employee Signature:  Date: 5/18/22

<input type="checkbox"/> APPROVED for _____ months.	<input type="checkbox"/> DISAPPROVED
Justification: _____ _____	
Board Chair Signature: _____	Date: _____

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OUTSIDE EMPLOYMENT POLICY & PROCEDURE

Providing Outstanding Service Since 1963

PURPOSE:

In order to avoid actual or perceived conflicts of interest for employees engaging in outside employment, all employees shall obtain written approval from the Department Manager prior to engaging in any outside employment. Final approval of outside employment shall be at the discretion of the General Manager in accordance with the provisions of this policy.

RESPONSIBILITIES:

All District employees. Any substantial violation of the provisions regarding outside employment or use of District property or resources shall constitute sufficient grounds for disciplinary action, up to and including termination.

APPLICABILITY:

This Policy applies to all full-time and part-time District employees.

DEFINITIONS:

- A. Outside Employment: Any employee who receives wages, compensation or other consideration of value from another employer, organization, or individual not affiliated directly with the District for services, product(s) or benefits rendered. For purposes of this section, the definition of "Outside Employment" includes those employees who are self-employed and not affiliated with the District for services, product(s) or benefits rendered.
- B. Employee: For the purposes of interpretation of this policy, "employee" shall mean any person holding full time or part time employment in a position in the classified service.

POLICY:

Employees shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his/her duties as a District officer or employee, or would tend to impair their independence of judgment or action in the performance of their official duties, functions, or responsibilities.

PROCEDURE:

- A. Those regular full time and part time District employees who find it necessary or desirable to engage in employment, including self-employment, in addition to their District duties shall present, in writing, to the Department Manager, a request for authorization to engage in outside employment (see Attachment A). The form shall provide the following information about the job the employee desires to engage in:

1. Name and telephone number of prospective/present employer (if prior to the implementation of this policy)/self-employment.
 2. Address of the work site.
 3. Position to be held and anticipated start date.
 4. Anticipated end date (if applicable).
 5. Detailed description of duties to be performed.
 6. Days/hours of work to be performed.
 7. Average number of hours of work per month
- B. In making a determination on outside employment, the Department Manager shall consider, among other pertinent factors, whether the activity (Government Code Section 1126):
1. Involves the use for private gain or advantage of District time, facilities, equipment, and supplies, or the badge, uniform prestige, or influence of one's District office or employment.
 2. Involves receipt or acceptance by an employee of any money or other consideration from anyone other than the District for the performance of an act which the employee would be required or expected to render in the regular course of their District employment or as a part of their duties as a District employee.
 3. Involves the performance of an act in other than their capacity as a District employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or the department by which they are employed.
 4. Involves time demands that would render performance of the employee's duties for the District less efficient.
- C. The Department Manager receiving requests for outside employment shall review the request with the applicant, giving primary consideration to the interest of the District, and shall make a determination of approval or disapproval based upon the criteria contained in this policy.
- D. Appeal Process: An employee who is denied an opportunity for outside employment may file a request for review in writing within five (5) working days to the General Manager or designee.
1. Upon notification of the request for review, the General Manager or designee shall meet with the employee, the employee's supervisor and/or Department Manager as necessary and/or review the documentation.
 2. The General Manager or designee shall make the final determination to approve or disapprove the request for outside employment within five (5) working days.

E. The employee engaged in authorized outside employment shall advise the Department Manager if the nature, character, and/or the extent of the outside employment has changed or if the outside employment is terminated. Approved outside employment will be reviewed at the time of the employee's annual evaluation. Any promotion or reassignment will automatically require a review. The employee shall not use outside employment to justify any failure of his/her employment performance or failure to respond promptly to the needs of the District when summoned.

F. Revocation/Suspension of Outside Employment Permits:

Any outside employment approval may be withdrawn under the following circumstances:

1. Should an employee's performance at the District decline to a point where it is evaluated by a supervisor as "needing improvement" to reach an overall level of competency, the General Manager may revoke any previously approved outside employment. That revocation will stand until the employee's performance has been reestablished at a "satisfactory" level and his/her supervisor recommends reinstatement of the outside employment approval.
2. Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
3. If, at any time during the term of an approved outside employment permit, an employee's conduct or outside employment conflicts with the provisions of this policy, the approval may be suspended or revoked.
4. When an employee is unable to perform at a "full duty" capacity due to an injury or other condition, any previously approved outside employment permit may be rescinded until the employee has returned to a full duty status (see Section H below for more information).
5. In making a determination on requests for outside employment, the Department Manager shall not unreasonably withhold authorization.

G. Employees are prohibited from using any District equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or data bases of the District or other agencies through the use of the employee's position with the District.

H. No employee shall allow any unauthorized person to rent, borrow, or use District equipment or resources in the course of or for the benefit of any outside employment.

I. Outside Employment While On Disability:

Employees who are placed on disability leave or modified/light duty by the Triunfo Water & Sanitation District shall remind their immediate supervisor of their outside employment.

The immediate supervisor shall review the duties of the outside employment and recommend to the Department Manager whether or not such outside employment should continue. Any written doctor's orders should be considered.

In the event, the Department Manager determines that the outside employment should be discontinued, a notice of revocation will be forwarded to the affected employee.

Criteria for revoking the outside employment in this circumstance include, but are not limited to, the following:

1. The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the professional medical advisors.
2. The outside employment performed requires the same or similar physical ability as would be required of the employee while on duty.

When the disabled employee returns to full duty, a request (in writing) may be made to the Department Manager to restore the permission.

Attachment A: Request to Engage in Outside Employment

Attachment B: Government Code – GOV [1125 – 1129]

TRIUNFO WATER & SANITATION DISTRICT
REQUEST FOR AUTHORIZATION TO ENGAGE IN OUTSIDE EMPLOYMENT

Employee Name: _____ Position: _____

Department: _____ Date of Request: _____

PROPOSED OUTSIDE EMPLOYMENT	
Name of Firm/Employer:	
Phone Number:	()
Address:	
Work Location(s)	
Total Hours Proposed	Per Week: Per Month:
Days and Hours of Work:	
Position Title:	
Briefly describe the type of business or service provided:	
List tools, equipment, and machines that you operate in performing the duties:	
Describe working conditions and hazards of this work:	

I have read the District's Outside Employment Policy, and I affirm that my proposed Outside Employment is not in conflict with any of those rules, and I recognize that violations of District Policy regarding Outside Employment may be cause for discipline, up to and including termination of employment.

I will advise the District immediately if I am injured or become ill as a result of the outside employment.

Employee Signature: _____ Date: _____

<input type="checkbox"/> APPROVED for _____ months.	<input type="checkbox"/> DISAPPROVED
Justification: _____ _____	
Board Chair Signature: _____ Date: _____	

GOVERNMENT CODE – GOV [1125 - 1129]**1125.**

“Local agency,” as used in this article, means a county, city, city and county, political subdivision, district, or municipal corporation.

1126.

(a) Except as provided in Sections 1128 and 1129, a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service, or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his or her employing body, unless otherwise approved in the manner prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, and consistent with the provisions of Section 1128 where applicable, those outside activities which, for employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity, or enterprise may be prohibited if it:

(1) involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment or,

(2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee or,

(3) involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed, or

(4) involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

(c) The local agency shall adopt rules governing the application of this section. The rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee. Nothing in this section is intended to abridge or otherwise restrict the rights of public employees under Chapter 9.5 (commencing with Section 3201) of Title 1.

(d) The application of this section to determine what outside activities of employees are inconsistent with, incompatible with, or in conflict with their duties as local agency officers or employees may not be used as part of the determination of compensation in a collective bargaining agreement with public employees.

1127.

It is not the intent of this article to prevent the employment by private business of a public employee, such as a peace officer, fireman, forestry service employee, among other public employees, who is off duty to do work related to and compatible with his regular employment, or past employment, provided the person or persons to be employed have the approval of their agency supervisor and are certified as qualified by the appropriate agency.

1128.

Service on an appointed or elected governmental board, commission, committee, or other body by an attorney employed by a local agency in a non-elective position shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to the duties of the attorney as an officer or employee of the local agency and shall not result in the automatic vacation of either such office.

1129.

Service on the Board of Directors of the Local Agency Self-Insurance Authority by an officer or employee of a local agency, as defined by subdivision (a) of Section 6599.02, or by a person who serves in an appointed or employed position with an agency or entity created by a joint powers agreement pursuant to Section 6503.5 to provide insurance pooling, shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to, duties of the officer or employee in either capacity.