I. POLICY STATEMENT

An employee may engage in collateral employment or business activity with the approval of the employee's department head and the appointing authority.

II. PROCEDURES

A. Eligibility

Permanent full-time or part-time employees must request approval to engage in collateral employment or business activity.

B. Request for Approval

1. Requirements - An approved "Collateral Employment/Business Activity Authorization Request" form is required prior to engaging in any collateral employment or business activity. Departments may also require that an employee attach a memorandum describing the nature of the collateral employment or business activity, and the duties, acts, and functions to be performed.

2. Additional Requests - Each collateral employment or business activity requires a separate form. The total hours to be worked for all requests by an employee must be provided in the "Hours/Week" section on each separate form.

3. Annual Renewal - Previously approved collateral employment or business activity requests must be renewed no later than April 1 each year by following the above procedure.

C. Conditions and Limitations

1. Prohibited Activities - An employee shall not engage in any employment, activity, or enterprise for money or other personal gain which is inconsistent, incompatible, inimical, or in conflict with the employee's duties and responsibilities of employment with the City.

An employee is prohibited from engaging in the following activities:

- the use of City time, facilities, equipment, supplies, badge, uniform, prestige or influence for private gain; or
- the performance of an act for money or other consideration from anyone other than the City which the employee would be required to perform as a City employee; or
- the performance of an act in other than the employee's capacity as a City employee which may later be subject to the control, inspection, review, audit, or enforcement of any other employee or the City; or
- such time or physical demands which would substantially impair the quality or quantity of the employees work with the City or tend to increase the City's costs for sick leave or Workers' Compensation benefits; or
- the performance of an act that would reflect discredit on the City; or
- any other activities prohibited by a department head or the Director of Human Resources which has a potential conflict of interest with the employee's duties, the objectives of the department, or the City.

2. Work-Hour Limit - A permanent full-time employee shall not work more than a total of 20 hours per week in collateral employment or business activity. Limitations for a permanent part-time employee will be considered on a case-by-case basis.

3. Absence due to on-the-Job Injury - An employee, who is absent because of an on-the-job injury or illness, must obtain written permission from the department head or designee to engage or to continue in collateral employment or business activity during such absence.

   The employee must request specific permission in writing by filing a memorandum to the department head describing the nature and physical requirements of the collateral employment or business activity and the nature and physical limitations of the injury.

   Prior to giving permission to continue in collateral employment or business activity, a department head or designee must consult with the appropriate Workers' Compensation Claims Representative and the Occupational Health Services Officer as to whether the collateral employment will affect the employee's recovery or Workers' Compensation benefits.

A disabled employee who received permission to continue collateral employment or business activity must report to the department head all compensation received from such collateral employment or business activity during any period of disability for which the employee receives benefits pursuant to any applicable local, State or Federal Workers' compensation laws or memorandum of understanding provisions. Further, the employee is required to provide such proof of compensation as the City may request. The City is entitled to, and may seek a credit of collateral employment earnings against benefits paid to the employee pursuant to any applicable local, State or Federal Workers' compensation laws or memorandum of understanding provisions.

III. DEFINITIONS

A. "Collateral employment or business activity" - Applies to any duties, acts, services or functions performed by a City employee for compensation or other personal gain from other than the City of Long Beach. Excluded are any duties, acts, services or functions performed by a City employee without compensation or other personal gain from a non-profit organization.

B. "Compensation or other personal gain" - Includes whatever consideration promised or received (e.g. money, goods, services, gifts, gratuities, credits, benefits, profits, etc., as remuneration (i.e. a quid pro quo) for the performance of any duties, acts, services or functions.

IV. REFERENCES

A. Personnel Ordinance: Article Six, Sections 6.01-6.04 - Collateral or Outside Employment;

B. Personnel Ordinance: Section 3.03 (b) - Conditions and Limitations Upon Vacations;

C. California Government Code: Section 1126;

D. State Supreme Court decision: Long Beach Police Officers' Association vs. City of Long Beach (1988)

V. APPENDICES/FORMS

Collateral Employment/Business Activity Authorization Request (Rev. 2/93)