



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

Teresa McAllister

Director of Human Resources

[Signature]

City Administrator

Number: 1-8. Effective Date: 11/18/08

SUBJECT: SECONDARY EMPLOYMENT OR BUSINESS ACTIVITY

PURPOSE:

To provide guidelines for City employees engaging in employment with a second employer or engaging in self-employment.

POLICY:

Any employee of the City shall secure the approval of his/her department head or designee, the Director of Human Resources, and the City Administrator in order to engage in any work activity in addition to their regular employment with the City, whether for a public agency, private company, or self-employment. An employee engaging in any employment or outside activity shall inform his or her department head in writing of the time to be spent on such activity and the nature of the activity when he or she begins the activity.

To obtain approval to engage in secondary employment, a City employee shall obtain a Request to Engage in Outside Employment Form from the Human Resources Department and complete and submit this form to his/her department head or designee for approval. Requests must be at least two weeks prior to the actual start of such secondary employment or self-employment.

The Request to engage in Outside Employment need not be completed on an annual basis, only when/if the secondary employment changes.

In evaluating a request to engage in secondary employment, consideration shall be given to the following:

1. Impairment of Efficiency and Physical Well-Being - The secondary employment must not involve such time demands or performance of such arduous tasks so as to interfere with employee effectiveness or leave the employee tired or subject to injury in the City position.
2. Workers' Compensation - The secondary employment must not leave the City liable

for any injury or illness incurred in such secondary employment.

3. Conflict of Interest and Public Relations - The secondary employment must not, or must not have the potential to, adversely affect or reflect upon the employee, the employee's position with the City, or the City.

A certificate showing Workers' Compensation insurance coverage by the second employer must accompany each request for approval of secondary employment. Employees who are residents of the City of Commerce and are requesting to engage in self-employment, must obtain any business tax certificate or permits required by City Ordinance and submit documents to employer within thirty days of approved request.

Secondary employment without permission can result in disciplinary action up to and including dismissal. Permission for secondary employment is evidenced only by a copy of the Request to Engage in Outside Employment Form with all required approvals.

City employees are prohibited from contracting or engaging in business activity with the City of Commerce as a source of secondary employment with the City including the performance of services outside the scope of their normal employment duties and responsibilities.

City employees are prohibited from pursuing a business license or secondary employment within the boundaries of the City if said activity is for the purpose of providing services on behalf of an approved City of Commerce vendor or contractor doing business with the City, if said services is similar or equivalent to their duties as a City employee . For example, a maintenance worker who opens a business activity to conduct maintenance work for a City assigned contractor or vendor.

As an adjunct to the above, recommendation for any product, person, or agency that can be construed as an endorsement by the City, because of the position held by an employee, shall not be made unless prior approval has been secured from the employee's department head or designee, the Director of Human Resources, and the City Administrator.

PROCEDURE:

Responsibility	Action
Employee	<ol style="list-style-type: none">1. Notifies immediate supervisor that secondary employment is being considered.2. Obtains a Request to Engage In Outside Employment Form from the Human Resources Department.3. Completes and signs form.<ol style="list-style-type: none">a. Attaches copy of secondary employer's Certificate of Workers'

Compensation insurance.

- b. Submits to immediate supervisor for processing.
- Department Head
- 4. Evaluates request and either approves, approves with modifications, or disapproves.
 - a. If disapproves, notifies employee with reason for disapproval.
 - b. If approves or approves with modifications, transmits to Director of Human Resources for further processing.
- Director of Human Resources
- 5. Reviews and recommends to the City Administrator approval, approval with modifications, or disapproval of the request.
- City Administrator
- 6. Reviews request.
 - a. Approves or approves with modifications and transmits to the Human Resources Department.
 - b. Disapproves request and transmits, with reason(s), to the Department.
- Human Resources Department
- 7. Receives form and places in employee's official personnel folder. Notifies employee and Department Head, via e-mail, of City Administrator's decision.
- Employee
- 8. Within thirty days of approved request for self-employment, obtains any business tax certificate or permits required by City Ordinance and submits documents to employer.

Attachment:

- 1. Request to Engage in Outside Employment

City of Commerce
Human Resources Department
REQUEST TO ENGAGE IN OUTSIDE EMPLOYMENT

Name _____ Job Title _____ Date _____

Department _____ Division _____

Please fill out this portion if you are employed by someone other than the City of Commerce.

Outside Employer's Name Outside Employer's Address Telephone Number

Outside Employer's Workers Comp. Ins. Carrier Certificate No. Expiration Date

A COPY OF THE CERTIFICATE OF INSURANCE MUST BE ATTACHED TO THIS FORM

Please fill out this portion if you are self-employed on a part-time basis.

Name of Business Address of Business Business Tel. No.

Business Tax License No. _____ Date of Issuance _____

This portion should be filled out whether you are self-employed or employed by someone else.

Type of outside employment and description of duties:

number of hours per week _____ Duration of job _____ Weeks _____ Months _____

I hereby request permission to engage in outside employment during my off-duty hours or vacation time. In requesting this permission I understand and agree to the following conditions:

1. That my outside employment will not interfere with my regular City job and that I will respond immediately if recalled to duty with the City.
2. That the nature of my outside employment is such that there will be no conflict of interest with my City employment.
3. That the City of Commerce will not be subject to claim or be held liable for any damages, injuries or illnesses incurred through my outside job.
4. That this permission may be revoked at any time and will be automatically revoked upon a significant change in hours or duties or upon termination of my employment with the above employer and that I will notify the City if such should occur.

Employee's Signature

Approvals:

Department Head Director of Human Resources City Administrator