

Outside Employment**1.2.3****PURPOSE**

This section provides information on the requirements for all City employees (including contract employees) who wish to engage in outside work activities.

AUTHORITIESSan Jose Municipal Code, §3.04.1710A

No employee shall engage in any work, employment or occupation outside his City employment which is detrimental to the service, which prevents or impedes the efficient performance of his duties in his City employment, or which is in any way in conflict with his employment by the City. No employee shall engage in any work, employment or occupation outside his City employment unless and until he shall have notified the City Manager of his intention to do so.

San Jose Municipal Code, §3.04.1710B

The City Manager may impose reasonable conditions or limitations upon any outside work, employment or occupation or may order an employee to terminate such outside work.

San Jose Municipal Code, §3.04.1710C

Any violation of any provision of this rule may be deemed grounds for discharge or other disciplinary action. Any employee affected by a denial of an outside work permit, or limitations or conditions upon any outside work may appeal such action to the [Civil Service] Commission within ten (10) working days after notice to the employee of the denial of an outside work permit or limitations or conditions imposed on an outside work permit.

POLICY**1. Criteria for Approval**

Applications by City employees to engage in an outside work activity may be approved if the outside work activity (1) is not detrimental to the City (2) will not impede the efficient performance of the employee's assigned duties and (3) will not create a conflict of interest for the employee.

A conflict of interest occurs where an employee could make or participate in a decision that may foreseeably have a material effect on his or her personal financial interests. If an employee's outside work activity puts him or her in a position where his decisions as a City employee could foreseeably have a material effect on his personal financial interests, a conflict of interest is created, and the application for an outside work permit is to be denied.

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If necessary, a supervisor may request that an employee provide a job description from the outside employer in order to determine if an outside work activity meets the above criteria for approval.

2. Prior Approval Required

A City employee who wishes to engage in any outside work must first obtain approval from the appropriate Department, through an “Application for Outside Work Permit.”

3. Reasons for Denial

Where an application for an outside work permit is denied, the department should provide the employee with the reason why the permit was denied.

4. Restrictions

Reasonable conditions or limitations may be imposed upon any outside work activity, and an employee may be directed to end the outside work at any time.

5. Appeals

An employee who is affected by denial of an Outside Work Permit, or by limitations or conditions established for an Outside Work Permit, may appeal to the Civil Service Commission. An appeal to the Commission must be filed within ten (10) working days after notice of the denial or the limitations is given to the employee. The decision of the Commission is binding.

6. Annual Renewal

Outside work permits must be approved every year. At the Department’s discretion, the Outside Work Permit can be set to expire on December 31st of the current calendar year, or a maximum of one (1) year from the approval date. Upon expiration of the permit, it is the responsibility of the employee to re-apply for an Outside Work Permit. Employees may not continue the outside work beyond the expiration of the Outside Work Permit unless a new application is submitted and approved.

7. Suspension of Outside Work While on Disability Leave

Outside work permit approvals are *automatically suspended* when an employee goes on disability leave status. This action is intended to ensure that the employee will not risk prolonging recuperation by working at another job. The employee may request authorization to

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continue the outside work while on disability status by sending a written request to his/her Department Director. If this application is denied, a new Application for Outside Work Permit must be submitted when the employee returns to regular duty, and approved before the employee resumes any outside work.

1. Medical Review

The City Physician may provide a review of an employee's Outside Work Permit application in relation to the employee's medical history, upon request from the relevant Department Director, through the Director of Employee Services. The Physician will assess the employee's physical ability to safely and effectively perform his or her City work activities while doing the outside work.

2. Compliance with Business License Tax Requirements

City employees should be aware that the business tax requirement affects them if they conduct certain outside business activities in the City of San Jose as independent contractors. Applying for an outside work permit does not relieve an employee of the business tax requirement. Employees who are uncertain about whether their outside business requires a business license, or who have other questions regarding the business license tax, should check with the Business License Section of the Finance Department.

3. Violations

Violations of this policy may result in disciplinary action.

PROCEDURES

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| Employee | 1. Obtain an Application for Outside Work Permit form from the department timekeeper, Employee Services liaison, the Employee Services Department, or the City's intranet site. Complete, sign, and submit form to supervisor. |
| Supervisor,
Intermediate
Supervisor, and
Department Director | 2. Review application and approve or disapprove based on impact of outside work on employee's City work. Add limitations or conditions, if needed, and specify expiration date to be December 31st of the current calendar year or no later than one year from the date of approval. If application is disapproved, notify employee. |

**CITY OF SAN JOSE
APPLICATION FOR OUTSIDE WORK PERMIT**

Refer to Section 1.2.3 of the City Policy Manual

INSTRUCTIONS: Print or type information in Section 1. Sign and route to supervisor.

SECTION 1 – EMPLOYEE

Last Name, First Name, Middle Initial	Employee ID Number	Date
Classification Title and Number	Department	

I hereby request approval to perform outside work in accordance with Section 3.04.1710 of the San Jose Municipal Code. Details of the outside work are described below.

Name of Employer	Number of work hours Weekly	Duration of employment From to
Employer's complete mailing address	Telephone	

Description of outside work

I understand and agree that, if my application is approved, the Appointing Authority may end or modify my outside work activities at his/her discretion:

Signature

Date

SECTION 2 – SUPERVISOR	SECTION 3 - INTERMEDIATE SUPERVISOR	SECTION 4 – DEPARTMENT DIRECTOR
Approval for employee named above to perform outside work is: <input type="checkbox"/> Recommended <input type="checkbox"/> Not recommended because: _____ Supervisor Name _____ Signature Date	<input type="checkbox"/> I concur <input type="checkbox"/> I do not concur because: _____ Supervisor Name _____ Signature Date	Approval for the applicant to perform outside work is: <input type="checkbox"/> Authorized Permit expires on: (insert date no later than one year from date of authorization) <input type="checkbox"/> Not Authorized _____ Department Director Name _____ Signature Date