



CITY OF MILPITAS

Revision	Date
Original	3/2/1970
2	04/30/2021

CITY ADMINISTRATIVE POLICY

Policy No: 2.1.2	OUTSIDE EMPLOYMENT	Effective Date: 3/3/2021
Revision No: 2	Policy Administrator: Human Resources	Next Review Due: As Needed
Related Policies and Procedures: Replaces SOP 13-1 Outside Employment	Approved by: Steve McHarris, City Manager 	Date Approved: 4/30/2021

1. PURPOSE

- 1.1. The City has an interest to ensure that its employees are able to effectively and efficiently perform their job duties and to ensure that employees avoid employment that is in conflict with, or give the appearance of, a conflict of interest with official City duties and responsibilities. This policy describes City requirements for employees requesting other employment. This policy applies to all Full-Time and Part-Time City staff.

2. POLICY

- 2.1. An employee considering employment in addition to their municipal service must obtain prior approval specific to the type of employment and employer from their supervisor, department head and the Director of Human Resources, or designee, before accepting such other employment. Employees must not use City resources to conduct non-city business. In addition, no employee may perform non-city business when assigned to perform City work.
- 2.2. The following provisions shall apply to all requests:
 - 2.2.1. Employment, including self-employment and family owned business, which impairs or compromises an employee's effectiveness or efficiency will not be allowed.
 - 2.2.1.1 Employment which creates a conflict of interest or the appearance of a conflict of interest will not be approved.
 - 2.2.2. Other employment must clearly be secondary to City employment.
 - 2.2.3. Department Heads have full authority:
 - 2.2.3.1 To deny requests for types of employment which they believe will detract from an employee's City position.
 - 2.2.3.2 To deny requests in a place of business which is or may become a public safety issue.
 - 2.2.3.3 To limit the location of other employment to the Milpitas sphere of influence in cases of emergency for employees who are subject to call-back.
 - 2.2.4. Duration of Approval.
 - 2.2.4.1 Approvals for other employment are good for the duration approved by the department head, but in no case shall exceed 365 days. Employees wishing to continue their other employment should resubmit their requests 30 days prior to the expiration. Any change in other employment must be reported immediately to the Director of Human Resources and a new form must be filed pursuant to section 2.1.



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2.2.4.2 Approval is not binding on the City and can be rescinded or further conditioned at any time.

2.2.4.3 Employees who engage in other employment that conflicts with duties or who intentionally fail to submit a timely Request to Engage in Other Employment form shall be subject to disciplinary action.

2.2.5. Denials of other employment may be appealed to the City Manager, or designee, whose decision will be final.

2.3. Employees are not entitled to workers compensation benefits from the City for illnesses or injuries occurring or caused by performing other employment. In addition, an employee that receives Workers' Compensation benefits from their outside employment shall not be entitled to use leave accruals from the City.

3. DEFINITIONS

3.1. The following definitions are provided solely as a guide to assist in the application of this policy. The following definitions may be subject to change.

3.1.1. Employee – All persons employed by the City in a full-time or part-time capacity.

3.1.2. Other Employment – Employment by a business or organization other than the City of Milpitas. This includes self-employment and family owned businesses.

4. PROCEDURE

4.1. Prior to accepting other employment, the employee will complete the request form, Notice of Intent to Engage in Other Employment, Attachment A.

4.1.1. After completing the form, the employee will forward the form to their supervisor, who will review the form and forward to the employee's department head with a recommendation to approve or deny. The employee is encouraged to keep a copy of the form for their records.

4.1.2. If approved by the department head, they shall sign the form and forward to the Director of Human Resources.

4.1.3. Upon approval by the Director of Human Resources, or designee, a signed copy of the completed request form will be returned to the employee and copies will be forwarded to the employee's department head and the City Manager's Office. A copy will be placed in the employee's personnel file.

4.1.4. If at any stage the request is denied, the employee will be so notified by return of the form.

4.1.5. If the employee has received no response within 10 days of their initial request, they are advised to inquire via their department head as to the status of the request.

4.1.6. A new approval is needed for any change in working conditions such as type or location of work, employer, etc. Additionally, a new request must be submitted yearly for continuation of previously approved other employment.

4.1.7. Denial of the employee's request may be appealed to the City Manager, or designee, whose decision will be final.



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ATTACHMENT A – OTHER EMPLOYMENT

Notice of Intent to Engage in Other Employment

Date: Click or tap to enter a date.

I hereby notify the City of my intention to perform work outside of my regular city employment, pursuant to the City Personnel Rules and Regulations and Policy (X).

Details of the work are as follows:

Name of Employee: Click or tap here to enter text.

Name of Other Employer: Click or tap here to enter text.
(Including self-employment or family business)

Address of Other Employer: Click or tap here to enter text.

Phone number of Other Employer: Click or tap here to enter text.

Type of Work: Click or tap here to enter text.

Work schedule and total hours per week: Click or tap here to enter text.

Beginning and ending dates of employment (maximum of 12 months):

Date from: Click or tap to enter a date. to Click or tap to enter a date.

I hereby waive my rights to use any sick leave or paid time away from City employment resulting from any injury, disability, or illness caused by outside employment. I further understand that I am not eligible for any Worker's Compensation benefits from the City for illnesses or injuries occurring or caused by or during the course of performing other employment.

I have read and agree to the terms and conditions of the Other Employment policy or MOU, as is applicable.

Employee Signature:	Date Click or tap to enter a date		Department: Click or tap here to enter text.
Supervisor Signature:	Date Click or tap to enter a date	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Department Head Signature:	Date Click or tap to enter a date	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Human Resources Director Signature:	Date Click or tap to enter a date	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>