



Policy No.: A-14
Effective Date: July 1, 2021
Title: Conflict of Interest, Incompatible Activities and Outside Employment for Employees of County of San Mateo Health
Authority: Federal, State and Local Conflict of Interest Regulations¹
Purpose: To prohibit County employees from engaging in an outside activity, employment, or enterprise that is in conflict, inconsistent, or incompatible with the duties of individuals employed by San Mateo County Health (Health).²

1. A conflict of interest is any situation in which any County employee or County contractor in a decision-making or decision-influencing position is involved in making or influencing a decision where it is foreseeable that the decision will have a financial impact on his/her/their personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in, influencing, aiding or abetting the decision. The financial impact involved may be to the individual or a relative.³
2. No official or employee may engage in an outside activity (regardless of whether compensated for the activity) that conflicts with their Health duties. An outside activity conflicts with Health duties when the ability of the official or employee to perform the duties of their Health position is materially impaired. Outside activities that materially impair the ability of an officer or employee to perform their Health duties include, but are not limited to, activities that disqualify the official or employee from Health assignments or responsibilities on a regular basis. Unless otherwise noted in this section or an advance written determination under Section 5 concludes that such activities are not incompatible, the following activities are expressly prohibited by this section:
 - a. Activities with excessive time demands. No official or employee may

¹ The provisions of Chapter 2.75.010 of Title 2 of the San Mateo County Ordinance require that each Department Head must adopt rules relating to incompatible activities and outside employment.

² This policy is meant to provide guidance for the all of Health, particularly for those divisions who do not already possess a division-specific conflict of interest policy. If your division has its own policy, you are subject to both that division-level policy and this Health-wide policy.

³ "Relative" is defined as any person who is related to you by blood or marriage, or whose relationship with you is similar to that of persons who are related by blood or marriage, including a domestic partner, and any person residing in your household.





engage in outside activity (regardless of whether the activity is compensated) that would cause the official or employee to be absent from their regularly assigned Health responsibilities on a regular basis, or otherwise creates an impediment for the employee to perform the essential functions of their job.

- b. Activities that are subject to review by Health or one of its Departments. Unless otherwise noted in this section or an advance written determination under Section 5 concludes that such activities are not incompatible, no officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that is subject to the control, inspection, review, audit or enforcement of Health or one of its Departments. In addition to any activity permitted pursuant to Section 5, nothing in this subsection prohibits the following activities: appearing before one's own department or commission on behalf of oneself; filing or otherwise pursuing claims against the County on one's own behalf; running for County elective office; or making a public records disclosure request pursuant to the California Public Records Act.
3. Health personnel are required to disclose any activity, relationship, or interest that is or may be perceived to be incompatible or otherwise present a conflict of interest on Health's [Attachment 1: Employee Statement Regarding Conflicts of Interest, Incompatible Activities, and Outside Employment](#) (Attachment 1) upon hire, or annually if already employed. If an employee believes or suspects that a conflict of interest exists and they cannot perform their work functions impartially, they should work with their supervisor or manager to address these concerns, either through reassignment of the duty or some other measure.
4. In addition to the reporting requirements set forth above, at any time during the year when an actual, potential, or perceived conflict of interest arises, Health personnel must submit an updated [Attachment 1](#) to their Division Director and, for San Mateo Medical Center (SMMC) employees only, contact the SMMC Compliance Officer.
5. Outside employment can present a potential or actual conflict of interest.⁴ Except as indicated herein, all employees of Health are required to disclose all outside employment to their Division Director to determine whether the activity relates to the employee's County duties or may be subject to review by any other officer, employee, board or commission of the County. Approval of such outside activities shall be based upon a determination by the Division Director (or in the case of Division Directors, the Chief of Health [Chief]) or his/her designee that the activity in question is not in conflict with the employee's County responsibilities. Section 2.75.070 of the Ordinance Code places a limit of 20 hours per week on the outside employment of any employee holding a full-

⁴ Outside employment as that term is used in this policy includes compensation as a salaried employee AND/OR as a contractor for another organization, AND/OR in the context of self-employment.



time position with the County. All Health employees are required to disclose their outside employment using Attachment 1; a copy of this form shall be retained in the employee's personnel file. Part-time Health employees may not exceed 60 hours per week for combined County and all outside employment. For certain employees (e.g. senior management), given the nature of their position, it may not be permissible to hold any outside employment. Requests for approval of outside employment will be decided on a case-by-case basis.

Health employees are prohibited from engaging in any outside employment, activity or enterprise, for compensation or other consideration, with any person, agency or organization that involves the employee's access or influence with current County decisions. [An example of impermissible activity would be a County health inspector working as an outside consultant (or for a consulting company) advising agencies on how to pass health inspections.]

6. No employee shall engage in any outside employment, activity or enterprise if it involves the use of County time, facilities, equipment, or supplies, or the influence or prestige of the employee's Health position for profit, gain, or advantage, or access to patient protected health information the employee would not have but for their employment with Health.

Unless an employee has obtained the Chief's approval on their submitted [Attachment 1](#), the following are also prohibited:

7. An employee, their spouse, or domestic partner serving on any board, commission or similar body of any agency or organization which contracts with Health or receives funding from Health.⁵ Persons currently serving in such capacity shall report that fact in writing to the Chief within 30 calendar days of the receipt of these policies and shall have 90 days to resign from that body.
8. An employee, their spouse, or domestic partner purchasing or otherwise acquiring, either directly or indirectly, any real or personal property of any conservatee of the San Mateo County Public Guardian or from any decedent's estate administered by the San Mateo County Public Administrator.
9. An employee undertaking or assuming responsibility for service, eligibility, licensing or inspection activities in connection with Health programs from which that Health employee's spouse, domestic partner, or relative is a recipient of services or benefits.
10. An employee or their spouse, domestic partner, or relative(s) serving on any Board, Commission or other body which has a contractual or legislative responsibility to regulate or monitor any of the services/activities provided by Health for compensation or otherwise.⁶ Persons currently serving in such

⁵ This policy does not apply to appointments made by the Board of Supervisors as those appointments are governed by Ordinance code section 2.75.060.

⁶ See footnote immediately above.



capacity shall report the fact in writing to the Director/ Chief of Health within 30 calendar days from receipt of the policies and shall have 90 days to resign.

11. An employee referring a patient or client or applicant for treatment and services to themselves or an entity in which they have a financial interest. The only exception to this policy would be for the clinical benefit of the patient, and such referral must be approved by the Division Director or the Director's designee. Such approval shall be documented in writing in the patient/client's record.

The Chief, after consultation with County Counsel, will determine whether or not an actual conflict exists. The decision regarding whether or not to exempt a conflict will be provided in writing to the employee, as a signed / approved [Attachment 1](#).

This policy shall constitute Departmental Rules Governing Incompatible Activities for Health, in accordance with County Ordinance Code Chapter 2.75, and the requirements and procedures set forth in that Chapter are incorporated herein by reference. Failure to comply with these procedures may result in disciplinary action up to and including dismissal from County employment pursuant to Ordinance Code Section 2.75.050.

_____ *signature on file*
Louise F. Rogers, Chief of Health