



ANDREW POTTER, CCB
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS
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RYAN SHARP
ASSISTANT CLERK

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ASSISTANT CLERK

July 11, 2025

TO: Incompatible Activities Committee
Ebony Shelton, Chief Administrative Officer
Claudia Silva, County Counsel
Susan Brazeau, Director, Department of Human Resources
Tracy Drager, Auditor & Controller

FROM: Andrew Potter, Clerk of the Board of Supervisors

**REVIEW OF PROPOSED CHANGES TO INCOMPATIBLE ACTIVITIES RULES OF THE
DEPARTMENT OF GENERAL SERVICES**

Pursuant to Government Code Sections 1125-1127 and Board of Supervisors Resolution No. 01-207 of July 31, 2001 (10), the Clerk of the Board is submitting for your review a copy of the proposed Incompatible Activities Rules submitted to this office by the Sheriff's Office.

If, in your evaluation of the attached rules, you believe there is a reason that the Committee should not recommend approval, please provide a written response to this office by **July 25, 2025**. Upon receipt of a memo from any member of the Committee, we will schedule a formal meeting of the committee to review the rule in question and forward recommendations to the Board of Supervisors for their consideration. If we do not receive a memo from any member of the Committee, the proposed rules will be placed before the Board of Supervisors with the Committee's recommendation for approval at the next scheduled meeting of the Board.

If you have any questions, please contact me or Diana Lopez, Program Manager for Civic Services at (619) 531-6140 or via email at Diana.Lopez@sdcounty.ca.gov.

Thank you for your assistance.

Sincerely,



ANDREW POTTER

Clerk of the Board of Supervisors

AP:dl

cc: Randall Sjoblom, Senior Deputy County Counsel
Board of Supervisors Communications Received



SAN DIEGO COUNTY SHERIFF'S OFFICE

Kelly A. Martinez, Sheriff

Rich Williams, Undersheriff

July 1, 2025

TO: Andrew Potter, Executive Officer
Clerk of the Board of Supervisors

A-65

FROM: Kelly A. Martinez, Sheriff
San Diego Sheriff's Office

O-41

STATEMENT OF INCOMPATIBLE ACTIVITIES

The Board of Supervisors passed Resolution No.41 on February 29, 1972, and Resolution No. 01-207 on July 31, 2001, requiring each department to identify to its staff those activities which are inconsistent and incompatible with their duties as County employees.

A recent audit of the Clerk of the Board's website revealed that the Policies & Procedure posted for the Sheriff's Office is outdated and needs to be replaced with our current P&P. Attached is San Diego County Sheriff's Office – Policy and Procedure Manual, Procedure Section 3 – Personnel, 3.7 OUTSIDE EMPLOYMENT.

If you require further information, please Melissa Martinez, Human Resources Manager at melissa.martinez@sdsheriff.org or (619) 573-7612.

Respectfully,

A handwritten signature in black ink, appearing to read "Kelly A. Martinez".

Kelly A. Martinez, Sheriff

KAM:jvf

cc: Ebony Shelton, Chief Administrative Office
Andrew Strong, Deputy Chief Administrative Office

Attachment

Keeping the Peace Since 1850

Post Office Box 939062 • San Diego, California 92193-9062

San Diego County Sheriff's Office – Policy and Procedure Manual

Procedure Section / Section 3 – Personnel

3.7 OUTSIDE EMPLOYMENT

An employee of the Sheriff's Office intending to engage in outside employment shall disclose the proposed employment in writing via the chain of command to his/her Facility Captain/Division Manager, who will determine if the intended employment would conflict with County duties.

An electronic copy of form AUD 263 (Disclosure Statement Card) shall be distributed to all employees twice a year (February and August) by the Personnel Division via SharePoint. All employees are required to complete this form regardless of whether they have outside employment or not. Once approved, all supervisors will submit the disclosure statements to the Personnel Division using an email provided by the SharePoint notification. Those with outside employment shall also complete Form PER 20 and route via the chain of command to his/her Facility Captain/Division Manager. Completed AUD 263 and PER 20 forms shall be retained in the Personnel Division for a period of 3 years. These forms shall be made available for audit purposes to the Auditor and Controller.

If any employee of the Sheriff's Office receives an assignment of work that relates to any organization, property or activity in which the employee or a member of the employee's immediate family has an interest, he/she shall report such interest, in writing, to his/her Facility Captain/Division Manager.

Since respect for law enforcement officers is paramount to their ability to perform their job, engaging in outside employment which would bring discredit, disrespect or embarrassment to that officer and/or his employing agency would be considered incompatible and in conflict with the officer's role as a peace officer. Government Code section 1126 sets forth factors, which, in and of themselves, create conflicts of interest.

Outside, or off duty employment is considered to be in conflict if it brings discredit or disrepute upon this agency and/or:

- Any outside employment which results in receipt of telephone calls or visitors by the employee while on duty at his/her County employment.
- Any publication for private gain of reports, studies or other written materials that were prepared on County time or utilized County facilities, equipment and/or materials, except when specifically authorized by the Sheriff.
- Any outside employment which would interfere during business hours with the full time devotion and attention of the employee to the duties and responsibilities of the Sheriff's Office.
- Any employment which involves the use of the badge, uniform, gun or influence of the individual's County employment for private gain or advantage including the following:
 - The direct or indirect soliciting, seeking or accepting of personal loans, gifts, gratuities, business compensation or favors from the general public, private business firms or their agents who deal with the Sheriff's Office or any other agency or Department of the County of San Diego.
 - The using of information not readily available to the general public, gained in the course of County employment, for private gain or advantage or the gain or advantage of another.

- Any employment which is in conflict with the duties and responsibilities of the employee's Office, including those prohibited activities as set forth in Government Code 24004.
- Any outside employment which will impair the employee's independence of judgment as to his/her County employment.
- Any outside employment which will require or induce an employee to disclose confidential information acquired in or during the course and scope of his/her County Employment.
- Any employment which involves time demands which render the performance of County duties less efficient.

Any employment which involves the receipt by employee of monies or other considerations from private parties for the performance of acts which the employee is expected to render in the regular course of duties as a County employee, including any consultation work for a fee or other remuneration concerning the application or interpretation of orders, directives or other communications of the Sheriff's Office or any other agency or Department of the County of San Diego.

Examples of outside or off duty employment for SWORN staff which is not permitted, include, but are not limited to (These are examples and are not to be construed as a complete list:

Security Guard

- Private investigator
- Bartender
- Bouncer
- Bodyguard
- Employment as a "keeper"
- Process server
- Repossessor
- Debt/loan collector
- Legal practice of criminal defense
- Employment in any gaming establishment: Card dealer, handicapper, change maker, caller, machine repair person, keno runner, pit boss, table waiter/waitress
- Funeral Escort where traffic control or the wearing of a uniform which resembles that of a peace officer is required
- Work for an employer who has been convicted of a felony or who openly associates with convicted felons.
- Any cannabis related business operation: Cultivation for the purpose of sales, dispensary retail operations (cashier, stock clerk, etc.), delivery driver (including management of delivery

operations), etc.

Examples of prohibited outside employment for PROFESSIONAL staff include, but are not limited to:

- Legal practice of criminal defense
- Bail bond agencies
- Any cannabis related business operation: Cultivation for the purpose of sales, dispensary retail operations (cashier, stock clerk, etc.), delivery driver (including management of delivery operations), etc.
- Work for an employer who has been convicted of a felony or who openly associates with convicted felons
- Attorneys assigned to Legal Affairs in the Office of the Sheriff are prohibited from private practice of law.

APPROVAL GUIDELINES

The employee's Facility Captain/Division Manager will approve or disapprove requests for outside employment based on a supervisor's determination of the following:

- The employee's work performance (employee must be rated meets expectations);
- The employee's medical restrictions, injury or sick leave status;
- The nature of the proposed employment or enterprise (as outlined above).

OBTAINING APPROVAL

No member of this Office may engage in any outside employment without first obtaining prior written approval.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Form which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through chain of command for consideration. If approved, the form will be forwarded to Sheriff's Personnel for placement in the employee's personnel file.

If approved, the employee will be provided with a copy of the approved outside employment request form.

Unless otherwise indicated in writing on the approved request, authorization is granted until the next bi-annual Outside Employment Form (PER-20) is due. Any employee seeking to renew a request shall submit a new Outside Employment Form each time the Disclosure Cards are sent out.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of denial (Penal Code 70 (D) (3))

APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If the Facility Captain/Division Manager disapproves the intended outside employment, he/she shall notify the employee within 10 days of that determination and state the rationale for the disapproval. The employee may appeal that decision in writing to the Bureau Assistant Sheriff/Executive Director.

REVOCATION/ SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- Should an employee's performance at this Office decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the supervisor may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommend reinstatement of the outside employment permit.
- If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Office policy, the permit may be suspended or revoked.

When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

Should any employee engaged in approved outside employment become injured or otherwise incapacitated to the extent that the employee is unable to perform the duties of his/her County position, that person must obtain reconfirmation of the prior approval before continuing that outside employment.

(Updated 06-04-2024)