



# KERN COUNTY PROBATION DEPARTMENT

## Policies And Procedures

TITLE: <b>Conflict of Interest</b>		Article: 1304	
APPROVED: <b>TR Merickel, Chief Probation Officer</b>			
EFFECTIVE: July 2016	REVIEWED: October 2018	REVISED: October 2018	UPDATED: October 2018

### POLICY

County employees are subject to public scrutiny in the performance of duties, use of county time and property, and operation of county vehicles. As Probation personnel, closely associated with law enforcement and the Courts, the scrutiny is increased.

It is the responsibility of each employee to demonstrate by word and deed that he/she is performing duties at an above average level and is beyond reproach in attitude and demeanor. The unacceptable conduct of one person will reflect unfavorably on the department as a whole. Professional conduct in the performance of duties is equal in importance to competent job performance.

### PROCEDURE

Each employee upon being hired shall be required to complete and return to the Administrative Services Division Director a signed and dated agreement of understanding which attests that the employee has read, understood, and is in compliance with departmental regulations relating to conflict of interest. The agreement shall be made a part of the employee's departmental personnel file. It will be the responsibility of the employee to keep this information current. If an employee's conditions/terms of outside employment change or the employee's assignment changes, each employee must reassess the possibility for conflict of interest and notify the appropriate Division Director. After submitted, employees will be notified by the direct supervisor regarding the status of the conflict of interest agreement. An example of the agreement and attachments can be found at the end of this manual.

When strictly adhered to, the following guidelines will afford the individual employee, the department, and the county maximum protection and preserve the public's trust in the integrity of government and its employees.

1. All Probation Department personnel shall conduct themselves at all times in such a manner that will not bring discredit to the department. Conduct is defined as word, deed, or the appearance of impropriety.
2. All Probation Department personnel shall utilize county time, supplies, equipment, and vehicles under their control solely for the performance of official county business. Identification cards and badges, the prestige attached to the employees' official role or any symbol of influence derived from that role is defined as county property and as such may not be used for private gain or advantage.
3. All Probation Department personnel with access to reports, records, or other sources of information necessary to the performance of their function are to treat such information as

confidential. Confidential information may not be the subject of loose conversation. Even within the department, confidential information should be revealed on a right-to-know basis or for good cause such as training purposes.

4. Department personnel shall not accept any gratuity in any form from anyone when such action may be inferred to be or is in actuality a reward for services performed or to influence the employee in the carrying out of official duties.
5. Department personnel shall refrain from accepting employment or become self-employed if such employment activity will to any degree interfere, hinder, or impair the employee in carrying out his assigned duties. In all circumstances, employees are to give the duties of their county employment priority and precedence over any other employment or economic activity.

Every employee shall be required to read, study, and indicate by their signatures that they understand the following County Ordinances:

2.02.10- Acts Constituting conflict of Interest

- A. No appointed officer or employee of the county of Kern shall engage in any employment, activity or enterprise which results in any of the following:
  1. Using the prestige or influence of a county office or employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another;
  2. Using county time, facilities, equipment or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another;
  3. Using confidential information acquired by virtue of county employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another;
  4. Receiving or accepting money or any other consideration from anyone other than the county for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his county employment or as a part of his duties as a county officer or employee;
  5. Performance of an act in other than his capacity as a county officer or employee knowing that such act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by the officer or employee or by the department or agency by which he is employed;
  6. Make, participate in making or in any way attempt to use his official position to influence a governmental decision (other than a decision affecting the officer's or employee's wages, hours, or working conditions) in which he knows or has reason to know he has a financial interest. The provisions of Government Code Sections 87100 through 87103.5, as amended from time to time, including, but not limited to, the definition of what constitutes "financial interest," and the regulations of the California Fair Political Practices Commission shall be controlling.

For purposes of this subsection an officer or employee has a "financial interest" in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable

from its effect on the public generally, on the officer or employee or a member of his immediate family or on:

- a. Any business entity in which the officer or employee has a direct or indirect investment worth one thousand dollars (\$1,000.00) or more.
  - b. Any real property in which the officer or employee has a direct or indirect interest worth one thousand dollars (\$1,000.00) or more.
  - c. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250.00) or more in value provided to, received by or promised to the officer or employee within twelve (12) months prior to the time when the decision is made.
  - d. Any business or entity in which the officer or employee is a director, officer, partner, trustee, employee, or holds any position of management.
  - e. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250.00) or more in value provided to, received by or promised to the officer or employee within twelve (12) months prior to the time when the decision is made.
  - f. "Indirect investment or interest" means any investment or interest owned by the spouse or dependent child of the officer or employee, by an agent on behalf of the officer or employee, or by a business entity or trust in which the officer or employee, the officer's or employee's agents, spouse, and dependent children own directly, indirectly, or beneficially a ten percent (10%) interest or greater.
  - g. Non-county employment or self-employment outside of regular county working hours which involves such time demands or services of such a character as to impair effectiveness in county office or employment.
- B. Any violation of the provisions contained in this section shall constitute sufficient grounds for immediate dismissal, suspension or reduction in rank or compensation of any appointed officer or employee of the county, subject to the right of officers and employees in the classified service to appeal such action in accordance with the provisions of Rule 1700 of the Rules of the Civil Service Commission of the county.

(Ord. G-4647 § 2, 1988: Prior code § 991)