

## DEPARTMENTAL INCOMPATIBLE ACTIVITIES

1082

(No. 131 November 2009)

All new employees of the California Department of Forestry and Fire Protection (CAL FIRE) shall be given a copy of the Departmental Incompatible Activities Statement (PO 155). This will usually be handled by the Personnel Specialist during the personnel office hiring/orientation process. Employees shall sign the bottom of the PO 155 to indicate that they have received and read a copy. The original signed PO 155 shall be filed in the employee's official personnel file, and a copy shall be given to the employee.

## DEPARTMENTAL INCOMPATIBLE ACTIVITIES STATEMENT

1082.1

(No. 131 November 2009)

### General

State officers and employees of the Department are responsible to all of the people of the State rather than to any special segment or group. The business and affairs of the State must be conducted in such an impartial manner that all persons understand that no State officer or employee can be influenced by other than proper methods. In a preventive sense, State officers and employees also must anticipate and avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. They must avoid circumstances suggesting that favoritism or personal gain is the motivating force in the conduct of State government.

The intent of this statement is to set forth the minimum ethical standards to be followed by all officers and employees. By prohibiting activities that might permit opportunity for personal gain or personal preference to influence decisions, the standards require officers and employees to avoid activities that might result in using a public office or employment for private gain or the giving of favored treatment to any organization or person. The broad objectives are to maintain an impartial administration of the State government and to maintain public confidence in government.

### Objectives

Within the general intent of [Section 19990 of the Government Code](#), the Director prescribes the following as personal objectives for employees of this Department.

- a. To provide any service to the public with courtesy, consideration, and promptness in action.
- b. To refrain from exhibiting any form of discrimination during the performance of assigned duties and responsibilities on account of age, sex, race, religious creed, color, national origin, ancestry, marital status, pregnancy, sexual orientation, physical disability or mental disability. To refrain from exhibiting any form of bias during the performance of assigned duties and responsibilities on account of political affiliation.

- c. To exhibit good behavior outside of duty hours so as not to cause discredit to the Department or to the State service, or to adversely affect the public's attitude towards the Department or the State service.
- d. To pay just debts and obligations to avoid judgment actions and recurring liens, attachments or garnishments by creditors.

### **Incompatible Activities**

The Director has determined that the following employments, activities or enterprises by officers and employees under the jurisdiction of the Department are considered inconsistent, incompatible, or in conflict with their duties. This statement should not be construed by any employee as the sole provision of law, regulation, or policy which must be observed by each State officer and employee.

An employee who is engaging in, or plans to engage in, any employment, activity, or enterprise which appears to be inconsistent or incompatible or interferes in any way with his/her duties as a Department employee should consult with his/her first-line supervisor. If unable to resolve at that level, the employee may appeal to his/her first-line manager. If unable to resolve at that level, the employee may appeal to the Legal Office, which will make recommendations to the Director or designee for the final decision.

Incompatible activities include, but are not limited to:

- a. Using the prestige, influence, official uniform or badge of an office or employment in the Department (or other State agency) for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- b. Using time, staff, facilities, equipment, or supplies of the Department for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- c. Using confidential information acquired by virtue of employment by the Department for the officer's or employee's private gain or advantage, or the private gain or advantage of another. If an employee has some reason to believe the activities of an acquaintance or someone with whom he/she has a business relationship should be inspected or investigated under Department (or other State agency) regulations, the matter should be brought to the attention of the supervisor in writing and should not be handled personally.
- d. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act or for omitting to perform an act which the officer or employee would be required or expected to render in the regular course of hours of his/her State employment or as part of his/her duties as an officer or employee of the Department.

- e. Performing, without prior approval, an act or activity in a capacity other than that of an officer or employee of the Department when the act or activity performed is subject to the direct control, inspection, investigation, review, audit or enforcement by the officer or employee, or is normally subject to control, inspection, investigation, review, audit or enforcement by the Department. As an exception to this rule, an employee is permitted to prepare a timber harvesting plan for himself/herself, immediate family members, close personal friends, or a tax exempt organization of which the employee is a member. However, the employee should receive no compensation of any kind for such activity and the employee should not inspect or approve such a plan or take any official action with respect to any dealings such persons may have with the Department.
- f. Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the Department, or whose activities are regulated or controlled by the Department, under circumstances from which it reasonably could be inferred that the gift was intended to influence him/her in his/her official duties or was intended as a reward for any official action on his/her part.

This rule should not apply to such gifts or gratuities received in circumstances that are clearly within a family or personal social setting. Nor should the rule apply to items of nominal value such as coffee or to items which may be offered as an integral part of an occasion, such as a professional seminar, where the employee is properly participating as part of his/her official duties.

All employees with direct purchasing responsibility and their supervisors are required by [Public Contract Code Section 10331](#) to be free from conflict of interest. (Please refer to the CAL FIRE Material Management Handbook, Section 2600, for more information.)

- g. Divulging confidential information, data or records of the Department to any person to whom issuance of such data, information or records has not been authorized, or divulging or making use of any records of the Department for a mailing list or any other purpose unless such action has been authorized.
- h. Receiving compensation for the preparation, presentation or publication of any article or other writing or any speech, or lecture relating to the operations of the Department unless the employee has informed the supervisor involved and obtained the Director's approval. Teaching, writing, and lecturing are encouraged as long as conflicts of interest are avoided and the regulations pertaining to outside employment are observed.

- i. Engaging in any activity or employment which will so interfere with his/her health or efficiency as to prevent the officer or employee from performing the duties of his/her job in the Department in an efficient and capable manner, or that will, for employees on standby, on-call, or similar assignment, prevent prompt response to a call to report to State duty in an emergency or when otherwise urgently required to be present by Department rules.
- j. Recommending the employment of any particular forester or consultant with respect to a matter pertaining to the laws and regulations administered by the Department.
- k. Investigating fires for insurance companies, private investigators, or other non-public entities while off duty or during non-working hours, whether or not a fee is involved.
- l. Participating in any activity of an illegal nature, the violation of which constitutes a felony.
- m. Subject to any other laws, rules, or regulations as pertain thereto, not devoting his or her full time, attention and efforts to his or her state office or employment during his or her hours of duty as a state officer or employee.

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[\(see Forms or Forms Samples\)](#)