

FAIR EMPLOYMENT & HOUSING COUNCIL INCOMPATIBLE ACTIVITIES STATEMENT

Introduction

This document establishes and sets out the Fair Employment and Housing Council's policy and rules on incompatible activities under Government Code section 19990. The policy and rules apply to all Council members, state officers and employees serving the Council.

Policy

It is the policy of the Council to comply fully with all the provisions of Government Code section 19990 governing incompatible activities. This policy relates specifically to incompatible activities and does not include all legal provisions with which officers and employees must comply.

Proscribed Conduct under Government Code section 19990

Government Code section 19990 prohibits state officers and employees from engaging "in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee." These include, as set out in Government Code section 19990:

- (a) Using the prestige or influence of the state for private gain or advantage or the private gain of another.
- (b) Using state resources, such as time, facilities, equipment, or supplies for personal gain or advantage.
- (c) Using confidential information acquired through one's position with the state for personal gain or giving confidential information to unauthorized persons.
- (d) Receiving payment from anyone other than the state for the performance of one's duties as a state officer or employee.

**Proscribed Conduct
(continued)**

(e) Engaging in an act outside state service that may later be reviewed or subject to control, audit, or enforcement by the state officer or employee as part of his or her official duties.

(f) Receiving a gift, service, gratuity, favor, hospitality, loan, or any other thing of value from anyone who is doing business or seeking to do business with the officer's or employee's agency where the purpose was intended to influence or reward the state officer or employee in his or her official duties.

(g) Failing to devote 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.

**Council
Members'
Employment**

As the Council members appointed to the Council serve without compensation, but for their statutory per diem for time actually spent in the performance of Council duties plus expenses (Gov. Code, § 12905), it is recognized that Council members may continue their own employment, or undertake private employment, so long as that employment does not conflict with their duties as Council members or with the mandates of Government Code section 19990.

**Council's
Adoption of
Incompatibility
Rules**

The Council, in adopting its incompatibility statement, adopts the foregoing rules governing incompatible activities, pursuant to Government Code section 19990. The Council affirms its intention to comply fully with Government Code section 19990 and all related provisions, and prohibits activities which are clearly inconsistent, incompatible, in conflict with, or inimical to its officers' or employees' service or employment.

**Notice to Officers
and Employees**

A copy of this statement shall be given to each currently serving Council member of the Fair Employment and Housing Council, and to future Council members upon their appointment.

**Procedures for
Determining
Incompatible
Activities:
Council
Members**

Where an actual or potential conflict arises, or where a Council member is faced with an activity that may be deemed inconsistent, incompatible, or in conflict with his or her Council duties, he or she shall notify the Director of the Department of Fair Employment and Housing. On receipt of any notification of a potential or actual conflict, the Director or his or her designee will investigate and determine whether the activity is in fact proscribed.