

**CITY OF EL PASO, TEXAS**

**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Human Resources

**AGENDA DATE:** 09/13/05

**CONTACT PERSON/PHONE:** Human Resources, Linda Ball Thomas, (915) 541-4509

**DISTRICT(S) AFFECTED:** N/A

**SUBJECT:**

**APPROVE:** Ordinance 8065, Civil Service Rules and Regulations, to amend Rule 29

**BACKGROUND / DISCUSSION:**

This amendment revises the procedure and requirements under which employees may be granted permission for Outside Employment.

**PRIOR COUNCIL ACTION:**

Last amended April 20, 2004

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Per Civil Service Commission approval on August 25, 2005.

**\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\***

**LEGAL:** (if required) EH

**FINANCE:** (if required) \_\_\_\_\_

**OTHER:**

\_\_\_\_\_  
(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, TO AMEND RULE 29 IN ITS ENTIRETY, TO REVISE THE PROCEDURES AND REQUIREMENTS UNDER WHICH EMPLOYEES MAY BE GRANTED PERMISSION FOR OUTSIDE EMPLOYMENT.**

**WHEREAS**, the Civil Service Commission is given the duty under Section 6.1-5(A) of the City Charter to recommend appropriate amendments to the City’s Civil Service Rules; and,

**WHEREAS**, the City Council is the approving authority for amendments to the Civil Service Rules; therefore, the Civil Service Commission presented their recommended changes to City Council; and,

**WHEREAS**, both the Civil Service Commission and the City Council have determined that Civil Service Rule 29 should be amended to revise the procedures and requirements under which employees may be granted permission for outside employment.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That Ordinance 8065, Civil Service Rules and Regulations, is amended by revising Rule 29 in its entirety, as follows:

**RULE 29**

Outside Employment

Section 1. Statement of Policy.

Permanent members of the classified services shall be permitted to work part time for other employers subject to the provisions of this Rule. It is the policy of the Commission that employees recognize that their primary duties are to the City of El Paso. Employees are subject to call at any time for emergencies, special assignments, overtime, and the like, and the obligations of outside employment are always subordinate.

Section 2. Maximum Allowable Hours; Conditions Disqualifying Applicants.

Requests for outside employment shall be granted by department heads; not to exceed twenty-five (25) hours per week, except in the following circumstances:

- a. Where it appears from the applicant’s sick leave record or other evidence that outside employment would measurably impair the applicant’s ability to discharge official duties and responsibilities with the City;
- b. Where outside employment, or the place where it is performed, would likely bring either the City or the applicant into disfavor with the public, involve the employee in violation of the Rules and Regulations of the Commission or the employee’s department,

or present the employee with an actual or potential conflict of interest respecting city employment;

c. Where the employment, or the place where it is to be performed, are such as to measurably impair the employee's efficiency, capability, or availability as an employee of the City;

d. Where the outside employment requires the applicant to appear in the official uniform of the applicant's City employment where such practice would violate a rule of the applicant's department or where the outside employment would involve the service of civil process;

e. Where the outside employment of a public safety employee would involve the operation of, or employment in, an establishment where the principle business is the sale of intoxicating beverages;

f. Where the outside employment could affect their ability to make unbiased decisions or recommendations in the duties of their job with the City; or

g. Where the outside employment could compromise their independent judgment regarding recommendations or choice of vendors or services that are provided the City of El Paso.

### Section 3. Form of Application; Procedure for Approval.

An applicant must submit a request for permission to work at outside employment to the department head for approval. This request must be submitted on appropriate forms as provided by the Department of Human Resources and must include, inter alia, the specific type of employment. A department head may place reasonable limitations or conditions on the performance of any outside employment. Determination of limitations on outside employment will be based upon the best interest of the City in furthering professionalism, protecting the reputation of the employee and City and ensuring the City receives full and faithful service in return for its expenditure of resources. If the Department Head believes an employment request is inappropriate and does not meet the criteria established by this Rule, (s)he must submit the request to a Deputy City Manager or the City Manager and obtain his or her concurrence prior to disapproving the request.

### Section 4. Duration; Subsequent Applications; Employee's Duties.

Applications that have been approved by the department head, or the Commission as hereinafter provided, will be valid for a period not to exceed two (2) years from the date of approval, and only for the specific type of employment approved. An original application must be submitted before an employee may change the type of employment for which (s)he has been approved.

### Section 5. Duties of Department Head; Revocation of Approval.

Each department head shall periodically review outside employment within the department to ensure compliance with this Rule. It is the duty of each department head to revoke an employee's outside employment approval in the event the employee fails to comply with the provisions of this Rule, fails to conform to the conditions of qualification as set forth in Sec. 2 (a-g) of this Section, or receives an overall rating of less than "competent" on any regularly scheduled Performance Evaluation Report,

provided further that a department head may give an employee notice and reasonable opportunity to cure their noncompliance or other deficiency prior to revocation.

Section 6. Appeal; Burden of Proof; Miscellaneous Provisions.

An employee whose original or subsequent application for outside employment has been denied by the department head or whose approval has been revoked, may appeal the denial or revocation to the Commission within ten (10) working days of his notification thereof. The Secretary will promptly docket the appeal on the Commission's agenda. Upon the hearing of the appeal, the department head and the employee will state their respective positions in writing to the Commission which shall consider the same, receiving testimony as it deems appropriate. The Commission will then determine the appeal. The burden of proof in an appeal from a denial of an original or subsequent application shall be upon the department head by a preponderance of the evidence; an appeal from a revocation of approval shall be sustained in the absence of substantial evidence. An employee whose appeal from a revocation of outside employment has been denied shall be ineligible to reapply for outside employment for a period of six months from the date of such denial. Revocation of approval shall not be considered disciplinary action. Copies of all outside employment documents will be filed in the employee's personnel file.

ADOPTED this day 27<sup>th</sup> of September 2005.

THE CITY OF EL PASO

ATTEST:

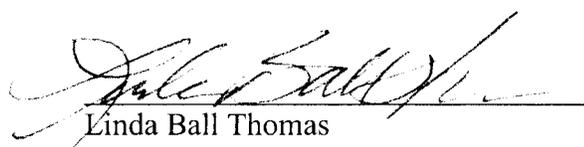
\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

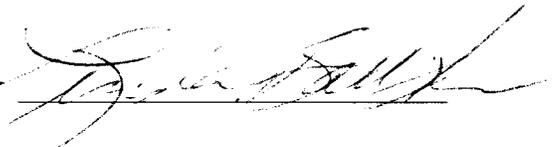
APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Elaine S. Hengen  
Assistant City Attorney

  
\_\_\_\_\_  
Linda Ball Thomas  
Interim Human Resources Director

APPROVED BY THE CIVIL SERVICE COMMISSION ON August 25, 2005.

By 

**CITY OF EL PASO  
OUTSIDE EMPLOYMENT APPLICATION FORM**

- New Request
- Subsequent Request

**TO:** \_\_\_\_\_  
(Department Head)

**THRU:** \_\_\_\_\_  
(Immediate Supervisor)

\_\_\_\_\_  
(Section or Division Head)

**FROM:** \_\_\_\_\_  
(Name of Employee)

**SUBJECT:** Request for Approval of Outside Employment

My City job title is \_\_\_\_\_. I am assigned primarily at \_\_\_\_\_. My normal days and hours of work are \_\_\_\_\_. Pursuant to Rule 29, Outside Employment, I request permission to engage in the following activity that will produce earnings outside my city pay:

\_\_\_\_\_  
(Employee's Signature) (Date)

(Check the appropriate box below.)

Name of proposed Employer(s): \_\_\_\_\_

I will be self-employed.

I will work \_\_\_\_\_ hours per week at the above job(s). A copy of my work schedule is attached.

In the space below write a brief description of your duties.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The job(s) involves the following physical activities and/or possible hazards.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Department Head Signature) (Date)