

CHAPTER 14
INCONSISTENT AND INCOMPATIBLE ACTIVITIES
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CHAPTER 14

INCONSISTENT AND INCOMPATIBLE ACTIVITIES

1. POLICY.

a. General.

(1) California Highway Patrol (CHP) employees make many contacts within the framework of their daily duties. In these contacts, it is this Department's policy to conduct state business solely on the basis of merit and without favoritism.

(2) A policy such as this requires CHP employees have no relationship or engage in any activity that might impair their independence of judgment. They must not have personal or financial interest in suppliers of property, goods, or services that could affect their decisions or actions on the state's behalf. They shall not accept gifts, benefits, gratuities, or unusual hospitality that may in any way influence them in the performance of their duties.

(3) If any possible conflict of interest situation arises, the concerned employee shall disclose the facts so a departmental inquiry may be made to determine whether a problem exists and, if so, to eliminate it.

(4) Although it is not the Department's desire to regulate the private affairs of its employees, the Department must, by necessity, prohibit activities that could cause a conflict of interest, embarrassment, or discredit to the employee, the Department, or the State of California.

b. Purpose. The purpose of this directive is to inform all employees of those activities, including secondary employment activities, which are inconsistent or incompatible with, or unfavorable to CHP employment.

(1) Nothing in this directive shall be construed as the sole provision of law or administrative rule, which must be observed by each employee of the CHP.

(2) The limitations on secondary employment activities, or other enterprises herein set forth, do not attempt to specify every possible limitation on activities of members that might be determined and proscribed under the authority of Section 19990 of the Government Code (GC).

c. Distribution of Documentation. A copy of the Department's Inconsistent and Incompatible Activities Statement is forwarded by Human Resources Section (HRS) with the appointment documents for each new employee. During orientation, each employee is required to complete a CHP 18, Annual Internal Investigation Policy

Review. Once completed, the CHP 18 will be permanently retained in the employee's field folder.

(1) The CHP 18 will be provided during an employee's annual performance appraisal. The employee shall sign the CHP 18, attesting they have reviewed the Department's Inconsistent and Incompatible Activities outlined in this chapter. The supervisor conducting the annual performance appraisal shall also sign the CHP 18.

d. Annexes. For referencing and duplication purposes, the Inconsistent and Incompatible Activities has been divided into six annexes:

- (1) Annex A. General Conduct and Misuse of Position.
- (2) Annex B. Prohibited Secondary Employment Activities.
- (3) Annex C. Political Activities/Holding of Public Office.
- (4) Annex D. CHP 18, Annual Internal Investigation Policy Review.
- (5) Annex E. CHP 318, Notice of Intent to Engage in Secondary Employment.
- (6) Annex F. CHP 318A, Nonuniformed Stipulation Agreement (Commercial Activities).

2. LEGAL REQUIREMENTS. Section 19990 GC provides that a state employee shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible, in conflict with, or inimical to, their duties as a state employee. Each appointing authority shall determine those activities which are inconsistent, incompatible, or in conflict with their duties as state employees. In order to prove this allegation, the Department must prove by a preponderance of evidence the employee's conduct specifically violated the inconsistent and incompatible activities as designated in Annex A of this chapter.

3. SECONDARY EMPLOYMENT ACTIVITY.

a. Definition. Secondary employment activity is defined as the holding of public office, the direct or indirect ownership of business concerns, or employment for compensation, except as otherwise specified herein.

b. Written Approval Required. Prior to engaging in any secondary employment activity, the following notice and the provisions of this chapter should be reviewed in its entirety. Employees are prohibited from engaging in any secondary

employment activity until they have received written approval from their commander on a CHP 318 (refer to Annex E). This shall apply to employees on vacation and all leaves of absence with pay. Employees do not need to complete a CHP 318 if their secondary employment is military service.

c. Procedure for Clarification.

(1) An outline of secondary employment activities which have been deemed inconsistent or incompatible with public service is provided in Annex B. Employees and supervisors are encouraged to submit complex questions related to whether a proposed activity is compatible with departmental policy whenever there is the possibility the activity may be in conflict. If necessary, requests for clarification shall be directed through channels to the Internal Affairs Section (IAS).

(2) In cases when it is determined that the proposed employment or activity is incompatible, specific reasons as to why it is incompatible will be provided to the employee in writing on the CHP 318.

(3) If an employee feels that the decision received is improper or discriminatory, the employee may appeal the decision through the departmental grievance/complaint procedure (refer to Highway Patrol Manual 9.1, Employee Relations Manual, Chapter 7, Guidelines for Grievance/Complaint Handling).

4. SECONDARY EMPLOYMENT ACTIVITY REQUEST.

a. Employee's Responsibility. Before engaging in any type of secondary employment activity, including the candidacy for or the holding of an elective or appointive public office, the employee shall:

(1) Complete and submit to the employee's immediate supervisor a CHP 318. A detailed job description of the requested secondary employment activity, including whether the secondary employment is permanent, seasonal, intermittent, or temporary, and the duration of secondary employment, if known, shall be included on the CHP 318. The CHP 318 can be typed or printed. However, the employee's signature must be original and completed in blue ink.

(2) The employee shall not engage in the requested secondary employment activity until the employee has received the approved CHP 318 from the employee's commander.

b. Nonuniformed Stipulated Agreement. If a nonuniformed employee requests to engage in secondary employment with a motor carrier entity or motor carrier industry consultant, the employee shall:

(1) Complete and submit a CHP 318 as specified above.

(2) Attach to the CHP 318, a CHP 318A. The CHP 318A, is an attestation the employee understands the rules and stipulations associated with such secondary employment requests (refer to paragraph 2 of Annex B). In addition to the employee's signature and date on the CHP 318A, the employee's immediate supervisor shall sign and date the CHP 318A. A sample CHP 318A is located in Annex F.

c. Supervisor's Responsibility. Upon receiving a completed CHP 318, the supervisor shall:

(1) Make an inquiry into the proposed work duties to be performed to determine if the activities will be inconsistent or incompatible with state employment.

(2) Ensure the work duties listed are descriptive of all duties to be performed, and the work duties will not interfere with the employee's ability to perform their assigned state duties.

(3) Certify that the proposed employment has been discussed with the employee and indicate on the form whether the proposed employment is considered compatible or incompatible.

d. Commander's Responsibility. The employee's commander or their designee shall review the request and ensure the employee is not currently on Interim Reporting, Attendance Reporting, received a "Needs Improvement" on a recent monthly evaluation, or recently received a Memorandum of Direction or Notice of Adverse Action. If so, closer examination of the potential impact of the secondary employment should be conducted to confirm it will not adversely impact the employee's performance or the needs of the Department. The commander may direct further inquiry if necessary to assure all required information relative to the proposed activity or potential impact to departmental needs has been evaluated.

(1) If an expiration date for the secondary employment has not been included on the CHP 318 by the employee, the commander shall set an expiration date to coincide with the employee's next annual performance appraisal evaluation date.

(2) The employee's commander shall discuss the provisions of the secondary employment request with the employee to ensure the request is understood

and that special considerations in scheduling due to the secondary employment shall not be granted.

5. APPROVAL AND PROCESSING OF SECONDARY EMPLOYMENT.

a. Commander Review.

(1) Commander Approved. The commander shall sign the CHP 318 and indicate the date the request was discussed with the employee.

(a) If a CHP 318 is approved for secondary employment with a duration of **30 calendar days or less**, the signed original shall be filed in the employee's field folder with a copy provided to the employee. The employee may engage in the secondary employment. Forwarding the approved CHP 318 to the commander's Division Chief is not required.

(b) If a CHP 318 is approved by the commander for secondary employment with a duration of **31 calendar days or more**, the signed original shall be scanned and forwarded electronically to the appropriate Division Chief for final approval. The employee shall be advised their request has been forwarded to the Division Chief and may only engage in the secondary employment upon notification their request has been approved. The signed original CHP 318 shall be filed in the employee's field folder with a copy provided to the employee.

(2) Commander Disapproved. If the requested secondary employment is disapproved, the commander shall document the specific reasons for the decision on the CHP 318. The commander shall sign the CHP 318 and indicate the date the request was discussed with the employee. The signed original shall be scanned and forwarded electronically to the appropriate Division Chief for review. The signed original CHP 318 shall be filed in the employee's field folder with a copy provided to the employee.

(a) The employee shall not engage in the secondary employment pending Division's review.

b. Division Review. Once the CHP 318 is received from Area command, the appropriate Division Chief or their designee may either approve or disapprove the employee's request for secondary employment.

(1) Division Approved. If the requested secondary employment is approved, the Division Chief or their designee shall sign and date the CHP 318. The signed CHP 318 shall be scanned and forwarded electronically back to Area command. The original CHP 318 in the employee's field folder will be replaced

with the signed Division approved copy, and an additional copy provided to the employee. The copy previously filed shall be destroyed.

(a) If Division approval countermands the Area commander's disapproval of the request for secondary employment, Division shall notify the Area commander. Once the approved CHP 318 is received at the Area command, the employee shall be notified of the change in decision. The employee may engage in the secondary employment. The original CHP 318 in the employee's field folder will be replaced with the signed Division approved copy, and an additional copy provided to the employee. The copy previously filed shall be destroyed.

(2) Division Disapproved. If the requested secondary employment is disapproved, the Division Chief or their designee shall document the specific reasons for the decision, and sign and date the CHP 318. The signed CHP 318 shall be scanned and forwarded electronically back to Area command. The original CHP 318 in the employee's field folder will be replaced with the signed Division disapproved copy, and an additional copy provided to the employee. The copy previously filed shall be destroyed.

(a) If Division disapproval countermands the Area commander's approval of the request for secondary employment, Division shall notify the Area commander. Once the disapproved CHP 318 is received at the Area command, the original CHP 318 in the employee's field folder will be replaced with the signed Division disapproved copy, and an additional copy provided to the employee. The copy previously filed shall be destroyed.

(3) The "Additional Comment(s)" section on the CHP 318 may be used by any level of review to record information or prohibitions.

d. Secondary Employment Requests to Practice Law. The Department has determined that certain types of legal practice, as secondary employment, may be inconsistent and incompatible with Department employment. Additionally, some endeavors such as internships in the District Attorney's Office, whether compensated or not, may also be inconsistent and incompatible with Department employment. Due to the unique requirements of this type of secondary employment, all such requests will be forwarded through channels to both the Office of Legal Affairs (OLA) and the IAS prior to final approval being granted. The request will be reviewed by the OLA to determine the need for specific limitations or clarification. Whether approved or disapproved, the CHP 318 will be returned electronically to the originating command. The original, signed CHP 318 will be placed in the employee's field folder and an additional copy provided to the employee.

e. Secondary Employment Requests to Hold Public Office. A request by an employee to engage in the candidacy for, or the holding of an elected or appointed public office, shall be at the discretion of the Commissioner. The employee's CHP 318 shall be forwarded electronically to the Office of the Commissioner for review and possible approval. An employee shall not publicly disclose such candidacy until Commissioner approval has been received. Whether approved or disapproved, the CHP 318 will be returned electronically to the originating command. The original, signed CHP 318 will be placed in the employee's field folder and an additional copy provided to the employee.

(1) If approved, the employee's commander shall ensure the employee will not make formal public appearances representing the Department during the period of their candidacy.

(a) If elected or appointed to the public office, the employee shall notify the Office of the Commissioner through channels within five days of accepting the appointment. The employee's conduct as a candidate or public office holder shall be consistent with departmental policy.

f. Annual Review of Secondary Employment. During an employee's annual performance appraisal, a determination shall be made whether the conditions allowing the secondary employment have changed. This would include determination if the secondary employment has adversely affected the employee's job performance.

(1) If the employee's performance is found satisfactory, and the secondary employment is still in accordance with that set forth on the CHP 318 on file, the commander may extend the expiration date. The commander or their designee shall sign and date the CHP 318 in the Annual Review portion of the form. A copy of the reviewed/extended CHP 318 will be provided to the employee.

(a) Secondary employment extensions are valid for one year from the date of the employee's annual performance appraisal until the employee's next annual performance appraisal.

6. REVOCAION OR CANCELATION OF SECONDARY EMPLOYMENT. An employee's secondary employment may be revoked or canceled for any of the following reasons:

a. Report of Detrimental Activities. The employee's commander, upon becoming aware an employee's secondary employment has become incompatible or detrimental to the Department, may revoke authorization of the secondary employment with concurrence of the appropriate Division Chief.

(1) Detrimental activities may include employee performance issues such as Interim Reporting, Attendance Reporting, a "Needs Improvement" on a recent monthly evaluation, Memorandum of Direction, or Adverse Action.

b. Cancellation by Employee. Should an employee discontinue their secondary employment, within ten calendar days, the employee shall submit written documentation to their commander, via email or memorandum, of their change in secondary employment status.

c. Transfers. Should an employee transfer to a new command, the employee must submit a new CHP 318 to the new commander as specified in the approval steps listed in this chapter.

7. SPECIAL INSTRUCTIONS.

a. Sick Leave. In accordance with Chapter 21, Sick Leave and Bereavement Leave, of this manual, secondary employment is not considered an acceptable reason for use of sick leave. The use of such time may result in disciplinary action.

b. Secondary Employment While on Sick Leave, Injury, or Limited Duty Status. Secondary employment may be suspended while an employee is on sick leave, injury leave, or limited duty status, if the secondary employment interferes with the employee's ability to recover. Commanders may require written assurance from an appropriate medical authority stating the secondary employment activity will not aggravate the injury nor prolong the employee's recovery.

(1) The HRS, Office of Employee Relations, and the IAS shall be notified whenever secondary employment activity is suspended while on sick leave, injury, or limited duty. If the injury is an industrial injury, reports may be obtained from the State Compensation Insurance Fund.

c. Retention. An approved CHP 318 will remain in the employee's field folder for as long as the employee continues with their approved secondary employment.

(1) If an employee's secondary employment request has been disapproved, revoked, or discontinued, the employee's CHP 318 will remain in the employee's field folder for one calendar year from the date of the disapproval, revocation, or cancelation. After one calendar year, the CHP 318 shall be destroyed.

d. Central Listing. Each command shall maintain a central listing of all personnel with approved secondary employment requests. The listing will contain, at a minimum, the employee's name, classification, identification number, the secondary employer's name, and nature of employment, and how the employee can be

contacted in the event of an emergency. The central listing will be immediately available to all supervisors and managers. The commander may assign responsibility for the maintenance and updating of the listing.

e. The Internal Affairs Section. The IAS is responsible for providing clarification and direction regarding secondary employment and inconsistent and incompatible activities.

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ANNEX A

GENERAL CONDUCT AND MISUSE OF POSITION

Incompatible and/or Inconsistent Activities. Section 19990 GC states in part, “A state officer or employee shall not engage 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. Each appointing power shall determine, subject to approval of the department, those activities which, for employees under its jurisdiction, are inconsistent, incompatible or in conflict with their duties as state officers or employees.”

The following types of activities are incompatible and/or inconsistent with, or unfavorable to public service, insofar as all employees of the CHP are concerned:

1. No uniformed employee shall commit any act or engage in any activity which is a violation of any misdemeanor or felony statute.
2. The drinking of intoxicants while on duty or in uniform.
3. Reporting for or returning to duty when not completely recovered from the effects of alcohol, or with alcohol on the breath.

State vehicles shall not be operated by departmental employees after consumption of alcoholic beverages, or use or ingestion of cannabis or marijuana. In certain emergency circumstances, it is recognized that employees may be recalled to duty during off-duty hours where the operation of state vehicles is unplanned. Employees who have used or ingested cannabis or marijuana, or consumed alcoholic beverages and are asked to respond to work due to emergency operational needs, must exercise caution, sound judgment, and prudence before responding.

4. Marijuana is classified as a Schedule I substance in accordance with Section 11054(d) of the California Health and Safety Code (HSC). Uniformed employees and cadets shall not use or ingest marijuana as defined by Section 11018 HSC.
5. Employees are prohibited from possessing marijuana, cannabis, concentrated cannabis, or a synthetic cannabinoid compound while on duty, on departmental property, or within a state vehicle (excluding enforcement or duty related possession or transportation).
6. Using or attempting to use the badge, identification card, uniform, equipment, prestige, or influence of a state position for private gain or advantage, or the private gain or advantage of another.

ANNEX A

GENERAL CONDUCT AND MISUSE OF POSITION (*continued*)

7. Directly or indirectly soliciting or accepting from persons money, gifts, or other valuable considerations in addition to the salary paid by the state, for advising or furnishing information concerning matters administered by this Department, or for services performed which is or may be required to be rendered as part of the employee's official duty.
8. The failure to report any known physical or mental condition, even of a temporary nature, which might be reasonably expected to adversely affect the employee's job performance or employment, including, but not limited to, the taking of drugs or medication.
9. The acceptance of anything of value that would not be offered if not an employee of the CHP.
10. Using for private gain or advantage, or for the private gain or advantage of another, the time, facilities, equipment, or supplies of the state.
11. Using official knowledge for personal gain, or the private gain or advantage of another.
12. Divulging information, data, or intelligence from departmental reports, records, correspondence, or manuals when the release of such has not been authorized.
13. The unauthorized sale, loan, or gift of any traffic collision photograph, traffic collision or investigation report, or other record in conjunction therewith.
14. Recommending to victims of traffic crashes or persons involved in traffic incidents the employment of any certain person or firm as attorneys, adjusters, investigators, tow car service, ambulance service, or bail bondsmen.
15. The use of state postage or stamping facilities by any employee other than for official business, even though the state is reimbursed before or after use.
16. Initiating, proposing, advancing, or influencing legislation as a representative of the Department, or implying departmental sanction of such representation without the express permission of the Commissioner.

ANNEX A

GENERAL CONDUCT AND MISUSE OF POSITION (*continued*)

17. Having a financial interest in, entering into any partnership, soliciting business of any kind from, or purchasing any property at a special discount from any person subject to regulation, inspection, licensing, certification, accreditation, supervision, or audit by this Department when official duties of the employee involve such functions.

18. Employees shall not in the course of, or as a result of any inspection, investigation, or work activity, accept, take, purchase, or convert for their own use or for the use of another any evidence, contraband, rejected items, or vehicles stored or processed through lien sale by this Department. The foregoing is intended to exclude those employees from the acquisition process who were directly responsible for the activity which led to confiscation, seizure, possession, etc., of the item in question.

19. Any employee, while on duty and/or in uniform, shall not actively participate in politics relative to the election or appointment of any public official.

20. Employees are prohibited from releasing for publication any police related article they have written without first obtaining the approval of their commander. While it is not intended to restrict employees' efforts in publishing professional articles, it is necessary to control releases so that official policies and procedures are not abridged. This prohibition does not include any term paper or course requirement submitted in accordance with educational curricula. However, any such paper containing the policies or procedures of this Department shall be submitted with a request that it not be published without permission of the Department.

21. Employees are prohibited from purchasing supplies or services for the state from a business entity in which they have a direct financial interest, or knowingly from a business entity in which another departmental employee has a direct financial interest. "Business entity" means any organization or enterprise operated for profit including, but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, or association where the employee has controlling or substantial influence in the entity's operation.

22. No uniformed employee shall accept nor offer any form of financial compensation or gift for a shift change or swap. Although this restriction is not intended to prohibit an approved mutual exchange of shifts, days off, beats, or other assignments, there can be no other consideration or gratuity involved.

ANNEX A

GENERAL CONDUCT AND MISUSE OF POSITION (*continued*)

23. When a uniformed employee wishes to endorse a political candidate, or endorse a political issue in writing, the employee should only use a name and generic rank with the option of including the occupation "Peace Officer." This will provide the employee with the identity and support desired without unnecessarily implicating the Department. The employee's use of rank or classification is prohibited. Furthermore, the name of the "California Highway Patrol" or "CHP" shall not be included in any endorsement. Occasionally, a member may be asked for an opinion on a specific political issue or endorsement. If the employee is on duty, or in uniform, the employee should state essentially it would be inappropriate to make a statement as a member of a public agency. In an off-duty situation, where the employee's comments could be viewed as an official endorsement, a disclaimer such as "this is my personal opinion," or "as a private citizen," should precede any statement.

24. Employees are prohibited from participation in a law enforcement gang as defined by Section 13670 of the California Penal Code (PC).

25. Employees are prohibited from engaging in conduct for the purpose of fostering, developing, pursuing, establishing, or in any way furthering personal romantic/sexual relationships with a member of the public, where such relationship did not exist prior to the performance of an official departmental duty or action.

For example, employees must not use information acquired during the course of performing an official departmental duty, such as a telephone number or work address, for the purpose of fostering, developing, pursuing, establishing a personal romantic or sexual relationship with a member of the public.

Additionally, at all times while on duty, employees are prohibited from engaging in sexual activity with any person regardless of whether that person is a member of the public, an employee of the Department, or an existing sexual partner or spouse of the employee.

26. Employees are prohibited from commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority as defined by Section 832.7 PC.

27. No employee shall store a firearm, whether departmentally or privately owned, in violation of the criminal storage of firearms as defined by Sections 25100 and 25140 PC, or other applicable criminal statute.

ANNEX A

GENERAL CONDUCT AND MISUSE OF POSITION (*continued*)

28. The following actions are incompatible and/or inconsistent related to the use of personal social media:

- a. Social media posts using or attempting to use a CHP badge, identification card, uniform, equipment, prestige, or influence of a state position for private gain or advantage, or the private gain or advantage of another.
- b. Social media posts that divulge information, data, or intelligence from departmental reports, records, correspondence, or manuals when the release of such information has not been authorized.
- c. The unauthorized social media posting of any traffic crash photograph, traffic crash or investigation report, or other departmental record(s) such as, but not limited to, Wireless Mobile Video/Audio Recording Systems, Body Worn Cameras, and audio recordings.
- d. Using social media to initiate, propose, advance, or influence legislation as a representative of this Department, or implying departmental sanction of such representation without the express permission of the Commissioner.
- e. Active participation in politics, while on duty and/or in uniform, relative to the election or appointment of any public official, including but not limited to posting on social media, participating in social media events, or similar political activities related to social media.
- f. Posting on social media any law enforcement-related article they have written identifying themselves or acting as a representative of the CHP without first obtaining the prior approval of their commander.
- g. While on duty, creating social media content or other electronic communications in a manner that is a misuse of state time or misuse of departmental social media accounts; or while on or off duty, creating social media content or other electronic communications that create a nexus and bring discredit to the Department. In addition to being incompatible and/or inconsistent activities, such actions can subject an employee to discipline under Section 19572 GC, or may be a violation of the Department's Equal Employment Opportunity policy.

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ANNEX B

PROHIBITED SECONDARY EMPLOYMENT ACTIVITIES

The following types of secondary employment activities, ownership of businesses, or holding of licenses by employees of this Department are inconsistent, incompatible, and inimical to public service. Employees shall not participate directly or indirectly as a principal, agent, or employee in any of the businesses or secondary employment activities prohibited under the applicable categories.

1. Ambulances. Uniformed employees shall not engage in any secondary employment activity on the premises of, nor be an owner, agent, or employee of, any firm operating private ambulances, whether the activity is performed for compensation or not, with the following exception:
 - a. Emergency Medical Technicians/Paramedic. Uniformed employees may work for compensation in the position of Emergency Medical Technician (EMT) or paramedic for a licensed ambulance company.
2. Commercial Vehicle Activities. The below listed commercial vehicle activities are prohibited whether the activity is performed for compensation or not.
 - a. Uniformed employees assigned either permanently or temporarily to commercial vehicle activities (e.g., mobile road enforcement, commercial vehicle enforcement facilities), shall not engage in any secondary employment activity on the premises of, nor be an owner, agent, or employee of, any firm operating commercial vehicles when that portion of the enterprise is subject to enforcement, inspection, or audit control by this Department. This includes all motor carriers subject to Division 14.8 of the California Vehicle Code but does not apply to other firms operating vehicles not subject to registration, or non-driving packer loaders. No employee shall drive for hire, any load of material for which the routing is determined by the Department.
 - b. Nonuniformed employees are prohibited from entering into, continuing, or maintaining any relationship for personal gain, monetary or otherwise, with a motor carrier entity or motor carrier industry consultant, wherein any portion of that entity is subject to the employee's direct or indirect audit, inspection, enforcement, dispatch, review, or control. This prohibition extends to motor carrier entities and motor carrier industry consultants having any operations located within the geographic boundaries of the employee's temporary or permanently assigned Division. For the purpose of this prohibition, a motor carrier industry consultant is an entity which advocates for, assists with compliance, or otherwise provides safety compliance advice or services to a motor carrier entity.

ANNEX B

PROHIBITED SECONDARY EMPLOYMENT ACTIVITIES (*continued*)

(1) Employees shall provide a written list of clients for whom work has been performed to their supervisor at the end of each quarter. This list shall also include the names of all attendees of training meetings or seminars conducted by the employee, and the name of the attendee's employer.

3. Court Referred Traffic Violator Schools. Uniformed employees involved in court referred traffic violator schools shall not have any financial interest, directly or indirectly, in such schools, and shall not be responsible for the collection of, or the handling of any type of funds. Additionally, uniformed employees shall not perform any function in court referred traffic violator schools when their salary would be proportionate to the number of students in attendance.
4. Departmental Authority. Employees shall not, in the course of any secondary employment activity, use their peace officer power, or any other authority derived from their employment with the Department, to certify any registration or mechanical condition document. This does not preclude them from doing so if otherwise licensed to do so by statute.
5. Expert Witness. Employees are prohibited from providing expert testimony, such as testifying to, among other topics, law enforcement practices and use of force. Employees shall not engage in the secondary employment activity of responding to examine vehicle accident scenes, offering opinions relative to causes thereof, adjusting insurance claims therefrom, or conducting mechanical examination of the vehicles involved in any case where a police or regulatory agency has conducted an investigation. This does not apply where legal process has been served and where employees are compelled to testify by court order.
6. Liquor Sales or Establishments. Uniformed employees shall not own, act as agent of any such owner, nor engage in any secondary employment activity when the primary purpose for that business involves the dispensing or serving of "on sale" alcoholic beverages. However, this shall not preclude a secondary employment activity where the dispensing or serving of such beverages is only incidental to such employment. The provisions of this section are applicable whether the activity is conducted for compensation or not.
7. Peace Officer Powers. Uniformed employees shall not directly or indirectly engage in any secondary employment activity for any law enforcement agency or for any employer which utilizes any peace officer power or authority, or where the secondary employment activity requires or utilizes the carrying of a firearm. This provision is applicable whether the employee is compensated or not.

ANNEX B

PROHIBITED SECONDARY EMPLOYMENT ACTIVITIES (*continued*)

- a. Uniformed employees may be employed as peace officers, appointed in accordance with Section 3332 of the Food and Agriculture Code, at the California Exposition and State Fair (CESF) premises. Such employment shall be subject to the secondary employment policies and procedures outlined in this chapter.
 - b. Uniformed employees appointed as peace officers on the CESF premises shall not use any equipment issued by the Department, nor shall they wear any item of uniform that can be identified with the Department.
 - c. Uniformed employees shall not interject the Department in any issue during the course and scope of their secondary employment duties with the CESF.
8. Practice of Law. Employees shall not engage in the practice of criminal law. They shall not engage in the practice of civil law in which the named defendants are the state of California, its agencies, or departments; or employees thereof who are sued as a party defendant in their capacity arising out of their employment. Employees shall not practice law with a firm or organization engaged in criminal law practice or have pending civil actions as previously described. Employees shall not engage in the practice of law for the purpose of representing departmental employees before state administrative tribunals or bodies, or departmental administrative inquiries.
9. Vehicle Dealerships. Employees shall not own the facilities or be licensed as a dealer in new or used vehicles of a type subject to registration. Uniformed employees who are employed by licensed dealers shall not, in the course of their secondary employment activity, use their peace officer power to certify any registration or mechanical condition document.
10. Vehicle Dismantlers. Employees shall not own, be licensed as, or be an employee of any enterprise that dismantles vehicles of a type subject to registration.
11. Vehicle Repair. While employees will be permitted to engage in vehicle repair and maintenance, they shall not, in the course of this secondary employment activity, certify any mechanical corrections on any law enforcement document unless they possess the appropriate required installer's or adjuster's license (e.g., lights, brakes, or motor vehicle pollution control). Commercial vehicle repair or maintenance activities shall be allowed only as outlined in Annex B, paragraph 2., of this chapter.

12. Tow Trucks. Uniformed employees shall not engage in any secondary employment activity on the premises of, nor be an owner, agent, or employee of, any firm operating private tow trucks, whether the activity is performed for compensation or not.

13. Marijuana. Employees shall not own any business, act as an agent of any such owner, nor engage in any secondary employment activity related to the cultivation, distribution, or dispensing of marijuana or products derived therefrom.

ANNEX C

POLITICAL ACTIVITIES/HOLDING OF PUBLIC OFFICE

The holding of any elective or appointive public office may be inconsistent or incompatible with the employee's duties and with the duties, functions, and responsibilities of the Department. Before accepting any appointment to or becoming a candidate for public office, employees shall gain departmental approval as set forth herein.

1. Candidacy for Public Office. The period of candidacy for any public office is hereby defined as the period from the candidate's declaration of intention to run until either the date of such candidate's defeat at the polls, or the date of the candidate taking office following the election.

A declaration of intention to run shall be deemed to be in effect whenever the employee releases a public announcement seeking candidacy or files for candidacy.

a. Prior to declaring intention to seek public office, an employee shall submit a CHP 318 in accordance with paragraph 5.e. of this chapter.

2. Compatible Public Offices. The holding of an elective or appointive office in any fraternal organization, charitable organization, service club, or serving as a precinct election board member requiring the rendering of part time services on off-duty hours with no compensation shall not be considered incompatible, and no CHP 318 need be submitted. Subject to the provisions of Section 3508 GC, holding of an elective or appointive office in an employee organization complying with the provisions of Sections 3520.7 and 3523.5 GC shall not be considered incompatible, and no CHP 318 need be submitted.

3. Incompatible Public Offices. It has been deemed that holding the office of sheriff, constable, marshal, or judge of a judicial district while an employee of this Department is inconsistent and incompatible.

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ANNEX E

CHP 318, NOTICE OF INTENT TO ENGAGE IN SECONDARY EMPLOYMENT

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL NOTICE OF INTENT TO ENGAGE IN SECONDARY EMPLOYMENT CHP 318 (Rev. 8-25) OPI 031			
NAME (LAST, FIRST, M.I.)	RANK/CLASSIFICATION	LOCATION CODE	DATE
Allen, Timothy	Officer	931	04/23/2031
PROSPECTIVE EMPLOYMENT INFORMATION			
NAME OF EMPLOYER	ADDRESS		
Real Realtors Realty	800 Jett Lane, Los Angeles, CA 90017		
POSITION TITLE	<input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Intermittent <input type="checkbox"/> Temporary <input type="checkbox"/> Seasonal	TELEPHONE NUMBER	
Real Estate Sales		(735) 555-8877	
WORK DAYS AND HOURS	DURATION OF EMPLOYMENT (FROM - TO)	HOURS PER WEEK	
Varies	Present - Ongoing	5-10	
WORK OR DUTIES TO BE PERFORMED (Describe in detail)			
Duties include but not limited: - Present purchase offers to sellers for consideration. - Perform intermediary functions during negotiations between buyers and sellers. - Advise clients on market conditions, property prices, mortgages and related matters. - Facilitate property visits and inspections related to suitability and value of residence. - Prepare documents such as representation contracts and various purchase agreements.			
EMPLOYEE'S CERTIFICATION AND UNDERSTANDING			
I certify the information herein is true and correct to the best of my knowledge. Should my outside employment have an adverse effect upon my abilities to properly perform my duties with the California Highway Patrol, I will immediately discontinue such employment. I also certify I have read and understood departmental policy contained in HPM 10.3, Chapter 14, Inconsistent and Incompatible Activities. I understand my outside employment will be automatically suspended if: (1) employment differs from that described above; (2) conditions of employment are not adhered to; (3) any provision of the Inconsistent and Incompatible Activities Statement is violated. I also understand upon transferring to another command, I must resubmit a CHP 318 to my new commander for approval should I desire to continue my outside employment. I understand if I become ill or injured to the extent that I am unable to report to my full state duty assignment, or placed on limited duty status, my commander will require written assurance from an appropriate medical authority to ensure my secondary employment activity will not aggravate the injury nor prolong recovery.			
EMPLOYEE'S SIGNATURE	I.D. NUMBER	DATE	
	29863	04/23/2031	
SUPERVISOR'S CERTIFICATION			
SUPERVISOR'S SIGNATURE	I have investigated the proposed employment and have discussed the provisions of the Department's secondary employment activities statement with the employee and believe the employment to be: <input type="checkbox"/> Compatible <input type="checkbox"/> Incompatible		
COMMENTS (IF EMPLOYMENT IS JUDGED TO BE INCOMPATIBLE, SET FORTH REASONS. ALSO LIST SPECIAL CONDITIONS OR PROHIBITIONS GOVERNING THIS EMPLOYMENT) (USE PAGE 2 IF NECESSARY)			
Employee will maintain strict confidentiality and use Departmental databases for Departmental purposes only.			
COMMANDER'S APPROVAL			
COMMANDER'S SIGNATURE OR DESIGNEE	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	DATE DISCUSSED WITH EMPLOYEE	EXPIRES
		04/24/2031	
COMMENTS (IF EMPLOYMENT IS DISAPPROVED SET FORTH SPECIFIC REASONS. ALSO LIST SPECIAL CONDITIONS OR PROHIBITIONS GOVERNING THIS EMPLOYMENT) (USE PAGE 2 IF NECESSARY)			

ANNEX E

CHP 318, NOTICE OF INTENT TO ENGAGE IN SECONDARY EMPLOYMENT (continued)

DIVISION COMMANDER'S APPROVAL				
<small>DIVISION COMMANDER'S SIGNATURE OR DESIGNEE</small>	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<small>DATE</small>	04/25/2031	
<small>COMMENTS (IF EMPLOYMENT IS DISAPPROVED, SET FORTH SPECIFIC REASONS, ALSO LIST SPECIAL CONDITIONS OR PROHIBITIONS GOVERNING THIS EMPLOYMENT) (USE ADDITIONAL COMMENTS SECTION IF NECESSARY)</small> Employee will ensure secondary employment does not interfere with Department related duties and assignments.				
HEADQUARTERS' APPROVAL (REQUESTS TO PRACTICE LAW ONLY)				
<small>OFFICE OF LEGAL AFFAIRS SIGNATURE</small>	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<small>DATE</small>		
<small>INTERNAL AFFAIRS SECTION COMMANDER'S SIGNATURE</small>	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<small>DATE</small>		
COMMISSIONER'S APPROVAL (POLITICAL ACTIVITIES - HOLDING OF PUBLIC OFFICES ONLY)				
<small>COMMISSIONER SIGNATURE OR DESIGNEE</small>	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<small>DATE</small>		
<small>COMMENTS (IF EMPLOYMENT IS DISAPPROVED, SET FORTH SPECIFIC REASONS, ALSO LIST SPECIAL CONDITIONS OR PROHIBITIONS GOVERNING THIS EMPLOYMENT) (USE ADDITIONAL COMMENTS SECTION IF NECESSARY)</small>				
ADDITIONAL COMMENT(S) (Attach additional sheet(s) if necessary)				
ANNUAL REVIEW				
<input type="checkbox"/> Approved	<input type="checkbox"/> Revoked	<small>DATE</small>	<small>EXPIRES</small>	<small>COMMANDER'S SIGNATURE OR DESIGNEE</small>
<input type="checkbox"/> Disapproved	<input type="checkbox"/> Canceled			
<input type="checkbox"/> Approved	<input type="checkbox"/> Revoked	<small>DATE</small>	<small>EXPIRES</small>	<small>COMMANDER'S SIGNATURE OR DESIGNEE</small>
<input type="checkbox"/> Disapproved	<input type="checkbox"/> Canceled			
<input type="checkbox"/> Approved	<input type="checkbox"/> Revoked	<small>DATE</small>	<small>EXPIRES</small>	<small>COMMANDER'S SIGNATURE OR DESIGNEE</small>
<input type="checkbox"/> Disapproved	<input type="checkbox"/> Canceled			
<input type="checkbox"/> Approved	<input type="checkbox"/> Revoked	<small>DATE</small>	<small>EXPIRES</small>	<small>COMMANDER'S SIGNATURE OR DESIGNEE</small>
<input type="checkbox"/> Disapproved	<input type="checkbox"/> Canceled			

ANNEX F

CHP 318A, NONUNIFORMED STIPULATION AGREEMENT (COMMERCIAL ACTIVITIES)

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NONUNIFORMED STIPULATION AGREEMENT (COMMERCIAL ACTIVITIES)

CHP 318A (Rev. 8-25) OPI 031

This form shall be reviewed, completed, and submitted along with the CHP 318, Notice to Engage in Secondary Employment, by all nonuniformed employees engaging in secondary employment with motor carrier entities or motor carrier industry consultants.

NAME (LAST, FIRST, M.I.)	RANK/CLASSIFICATION	LOCATION CODE	DATE
Borland, Allen	Automotive Mechanic	931	04/23/2031

The following stipulations are made as part of the approval for the CHP 318, Notice to Engage in Secondary Employment, submitted by Automotive Mechanic Allen Borland, ID A32157, dated 04/23/2031.

(Print/Type Nonuniformed Title and Full Name)

- In accordance with Highway Patrol Manual (HPM) 10.3, Personnel Transactions Manual, Chapter 14, Inconsistent and Incompatible Activities, Annex B, Prohibited Secondary Employment Activities, nonuniformed employees are prohibited from entering into, continuing, or maintaining any relationship for personal gain, monetary or otherwise, with a motor carrier entity or motor carrier industry consultant, wherein any portion of that entity is subject to the employee's direct or indirect audit, inspection, enforcement, dispatch, review, or control. This prohibition extends to motor carrier entities and motor carrier industry consultants having any operations located within the geographic boundaries of the employee's temporary or permanently assigned Division. For the purpose of this prohibition, a motor carrier industry consultant is an entity which advocates for, assists with compliance, or otherwise provides safety compliance advice or services to a motor carrier entity.
- Fair Labor Standards Act (FLSA) exempt employees shall not conduct secondary employment activities Monday through Friday, other than recognized holidays, during the hours of 0800-1700 or any other assigned work shift.
- Employees subject to the provisions of FLSA shall not conduct secondary employment activities during their regularly scheduled work shift.
- Employees are not authorized to utilize confidential information available by virtue of state employment for private gain or advantage or provide confidential information to persons unless issuance of this information has been authorized by the Department. Additionally, the employee is not permitted to divulge information, data, or intelligence from departmental reports, records, correspondence, or manuals when the release of such has not been authorized in writing.
- Employees shall not use any state equipment to include, but not limited to, vehicles, manuals, forms, publications or any other item related to an employee's job with the California Highway Patrol, while engaged in secondary employment.
- Employees are prohibited from using their departmental access to any electronic or printed records for the purposes of conducting secondary employment functions. This includes, but is not limited to, the Management Information System of Terminal Evaluation Records System (M.I.S.T.E.R.), Carrier Information System, California Law Enforcement Telecommunications System (CLETS), or Federal Motor Carrier Safety Administration sponsored databases [e.g., Safety and Fitness Electronic Records System (SAFER), Query Central, Accident and Insurance (A & I), Motor Carrier Management Information System (MCMIS), InfoSys, and Data Qs].

ANNEX F

CHP 318A, NONUNIFORMED STIPULATION AGREEMENT (COMMERCIAL ACTIVITIES) *(continued)*

- Employees shall not advocate or provide testimony against the Department under any circumstance in the employee's capacity as a motor carrier consultant. If called to provide testimony or advocacy on behalf of the secondary employer or any client thereof, during any proceeding involving the Department or any allied agency or department, the employee shall immediately notify their supervisor.
- Employees shall, without delay, notify an immediate departmental supervisor of any circumstance when it becomes apparent a conflict of interest may arise. Examples include, but are not limited to, enforcement contacts, inspections, public appearances, training, or any situation, wherein the employee acts in any capacity for the Department.
- To avoid conflicts of interest, employees shall not be present on behalf of any secondary employer or client thereof, during any terminal inspection, carrier inspection, or review (except a Rating Review outlined in HPM 84.1, Motor Carrier Safety Operations, Chapter 1, Policy), when conducted by another departmental employee or employee of any allied agency or department.
- Employees shall provide a written list of clients for whom work has been performed to their supervisor at the end of each quarter. This list shall also include the names of all attendees of training meetings or seminars conducted by the employee, and the name of the attendee's employer.

Failure to adhere to any of these stipulations will result in immediate revocation of the employee's secondary employment approval and may result in disciplinary action against the employee.

I acknowledge receipt of this document and Annex A, General Conduct and Misuse of Position, of HPM 10.3, Chapter 14.

EMPLOYEE SIGNATURE <small>Signature</small>	ID#	DATE
SUPERVISOR SIGNATURE <small>Signature</small>	ID#	DATE

This form, along with the CHP 318, shall be reviewed during the employee's annual performance appraisal evaluation date. This form is considered null and void upon revocation of the CHP 318 or termination of employment with the Department. The original shall be filed in the employee's personnel file.

ANNUAL REVIEW			
DATE	EMPLOYEE SIGNATURE	DATE	SUPERVISOR SIGNATURE
	<small>Signature</small>		<small>Signature</small>
	<small>Signature</small>		<small>Signature</small>
	<small>Signature</small>		<small>Signature</small>
	<small>Signature</small>		<small>Signature</small>