

**CONFLICT OF INTEREST CODE
OF THE
HUMAN RESOURCES DEPARTMENT
OF
CONTRA COSTA COUNTY**

Section 100. Purpose. Pursuant to the provisions of the Government Code Section 87300, et seq., the Human Resources Department of Contra Costa County hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code section 81000). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

Section 200. Designated Positions. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make or participate in the making of decisions which may foreseeably have a material effect on a financial interest.

No designated employee shall accept any honorarium. However, payments, advances, or reimbursements for travel and related lodging and subsistence, as authorized by Government Code Section 89506, may be accepted by a designated employee.

No designated employee shall accept any gifts with a total value of more than two hundred eighty dollars (\$280) in a calendar year from a single source.

Section 300. Disclosure Statements. Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned on Exhibit "B".

Section 400. Place and Time of Filing.

(a.) All designated employees required to submit a statement of financial interests shall file the original with the Secretary to the Director of Human Resources (hereinafter "Secretary") or other designee of the Director of Human Resources (hereinafter "Designee").

(b.) The Secretary or Designee shall date stamp the original statement when received, make and retain a copy of the statement of financial interest filed by the Director of Human Resources, and forward the original to the Office of the Clerk of the Board within five (5) days.

(c.) The Secretary or Designee shall date stamp the original statement when received and retain the original statements of financial interest filed by other employees in the Human Resources Department's designated positions.

(d.) A designated employee who is newly required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of the amendment of this code.

(e.) Employees appointed, promoted, or transferred to Human Resources Department designated positions shall file initial statements within 30 days after the date of their appointment, promotion, or transfer.

(f.) Annual statements shall be filed during the month of April and no later than April 30 by all designated employees. Such statements shall cover the period of the preceding calendar year.

(g.) Closing statements shall be filed by all persons in designated positions within 30 days of the date of leaving the designated position, covering the period from December 31 of the previous year to the date of leaving the position.

(h.) An employee leaving one designated position and being appointed to another designated position in the Human Resources Department may duplicate the previously filed statement, amend the title of the designated position, sign and date the duplicated statement, and file it with the Secretary or Designee within 10 days of the new appointment, in lieu of completing an entirely separate document.

(i.) A designated employee required to file a statement of financial interest under any other agency's conflict of interest code or under Article 2 of Chapter 7 of the Political Reform Act for a jurisdiction the same as or wholly included within the jurisdiction of this agency may comply with the provisions of this Code by filing a duplicate copy of that statement (provided that the duplicate shall be signed and verified as if it were an original) and an expanded statement which covers reportable interests in any portion of this agency's jurisdiction which differs from the jurisdiction described in the other statement.

(j.) Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make, or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

Section 500. Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the Chief Clerk, Office of the Clerk of the Board of Contra Costa County, and shall contain the following information.

(a.) Contents of Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement of financial interest shall contain:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement of whether the fair market value of the investment, or interest in the real property, equals or exceeds one thousand dollars (\$1,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), or whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the principal residence of the designated employee filer or any other property which is utilized exclusively as the personal residence of the designated employee filer.

(b.) Contents of Personal Income Reports:

When income is required to be reported, the statement of financial shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any of each source;
2. In the case of gifts received through an intermediary, the name, address, and business activity of both the donor and the intermediary must be disclosed.
- 3.2. A statement of whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least two hundred fifty dollars (\$250) but did not exceed one thousand dollars (\$1000), whether it was in excess of one thousand dollars (\$1000) but did not exceed ten thousand dollars (\$10,000), whether it was in excess of ten thousand dollars (\$10,000). In the case of a loan, the statement must contain the annual interest rate for the loan and the security, if any, given for the loan.
- 4.3. A description of the consideration, if any, for which the income was received.
- 5.4. In the case of a gift, the amount and the date on which the gift was received.
- 6.5. In the case of a loan, the annual interest rate and security, if any, given for the loan.

(c.) Contents of Business Entity Income Reports.

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and general description of the business activity of the business entity;

- 2 The name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during the calendar year.

(d.) Contents of Management Positions Reports.

When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which they are a director, officer, partner, trustee, employee, or which they hold any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(e.) Contents of Initial Statement.

The initial statement filed by a designated employee employed on the effective date of this code shall disclose investments, business positions, interests in real property held on the effective date of this code and income received during the 12 months before the effective date of this code. Thereafter, the initial statement filed by an employee appointed, transferred, or promoted to a designated position shall disclose any reportable investments, business positions and interests in real property held on and income received during the 12 months before the effective date of the amendment, appointment, transfer or promotion.

(f.) Acquisitions or Disposal During the Reporting Period.

In the case of a statement of financial interest filed under Section 400 (f) (Annual Statement), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal must be reported.

Section 600. Disqualification. Designated employees must disqualify themselves from making or participating in the making of any decisions or using their official position to influence the making of any decision in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without that employee's participation.

Section 700. Penalties for Late Filing. Any designated employee filing a statement of financial interest late is subject to a ten dollar (\$10) per day penalty. The Director of Human Resources or Designee must determine whether ~~or not~~ the \$10 per day penalty will be assessed. The late penalty need not be assessed if the Director or Designee determines that the late filing was not willful, and that enforcement of the penalty will not further the purposes of the law. No penalty waiver may be made for filing after the 10-day period following notification of non-filing by the filing officer or Designee.

Any designated employee who knowingly or willfully violates any provision of the law is guilty of a misdemeanor and, if convicted, may be fined up to ten thousand dollars (\$10,000) or three times the amount the person failed to report properly, whichever is greater.

Section 800. Filing Officer. The Human Resources Department filing officer is the Director of Human Resources, Secretary or other Designee.

(a.) **Duties of the Filing Officer.** The duties of the filing officer are:

1. To designate in writing the Secretary to the Director of Human Resources (Secretary) or other person (Designee) to perform the other filing officer duties.
2. To supply the necessary forms and manuals to designated employees;
3. To supply a copy of the Human Resources Conflict of Interest Code to designated employees at the time of distribution of the forms for completion.
- ~~43.~~ To make and retain a copy of the statement of financial interest filed by the Director of Human Resources and forward the original to the Office of the Clerk of the Board.
- ~~54.~~ To retain the original statements of financial interest filed by other employees in the Human Resources Department's designated positions.
- ~~65.~~ To determine whether the required documents have been filed and whether or not they confirm on their face with the requirements of the Human Resources Department's Conflict of Interest Code;
- ~~76.~~ To notify in writing all designated employees who have failed to file the necessary statements;
- ~~87.~~ To compile and maintain a current list of all reports and statements filed with the Human Resources Department.

- | 89. To notify the District Attorney's Office of apparent violations;
- | 910. To deposit any funds received as penalties to the County General fund.
- | 1011. To retain the original statements submitted by designated employees or a copy of the original statement of the Director of Human Resources for at least two (2) years and to retain the originals or copy cited above or other space-saving copies (such as microfilm, microfiche, or CD-ROM) for an additional two (2) years.

**CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Assistant County Administrator Director of Human Resources (Exempt)	1 and 2
Assistant Director of Human Resources (Exempt)	1 and 2
Human Resources Manager, Employee Benefits (Merit System)	3 (C,D,E,F,G,H,L,M)
Human Resources Manager, Personnel Services (Merit System)	3 (A,B,C,D,I,J,K,L,M)
Human Resources Supervisor, Employee Benefits (Merit System)	3 (C,F,G,H)
Human Resources Supervisor, Personnel Services (Merit System)	3 (A,B,C,D,I,J,K,L,M)
Human Resources Information Systems Administrator (Merit System)	3 (F,G,H,L,M)
Administrative Services Officer (Merit System) (<u>A,B,C,D,E,I,J,K,L,M</u>)	3
Employee Benefits Manager (Merit System)	3 (C,F,G,H)
Employee Benefits <u>Analyst Specialist</u> (Merit System)	3 (<u>F,G,H,K,L,M</u>)
Employee Benefits Supervisor (Merit System)	3 (C,F,G,H)
Human Resources Project Manager (Merit System)	3 (A,B,C,D,E,I,J,K)
Labor Relations Manager (Exempt)	3 (E,I,J,K)
Management Analyst (Administration) (Merit System)	3 (I,J,K,L,M)
Personnel Services Manager (Merit System)	3 (A,B,C,D,I,J,K,L,M)
Personnel Services Supervisor (Merit System)	3 (A,B,C,D,I,J,K,L,M)

**Conflict of Interest Code
Disclosure Categories**

General Rule

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Designated Employees in Group 1 Must Report:

All investments, interest in real property, and income, and any business entity in which the employee is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within Contra Costa County or if the business entity is doing business or planning to do business in the County (and such plans are known by the designated employee) or has done business within the County at any time during the two years prior to the filing of the statement.

Designated Employees in Group 2 Must Report:

Investments in any business entity, and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract with Contra Costa County, or with any special district or other public agency subject to the authority of the Contra Costa County Board of Supervisors, to provide services, supplies, materials, machinery or equipment to such County, district, or agency.

Designated Employees in Group 3 Must Report:

Investments in any business entity, and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract with Contra Costa County, or with any special district or other public agency subject to the authority of the Contra Costa County Board of Supervisors, to provide services, supplies, materials, machinery or equipment which are related to the areas ~~noted~~ listed below ~~denoted~~ for each designated position:

- A. Job Testing & Evaluation
- B. Affirmative Action Programs
- C. ADA and other Rehabilitation Programs
- D. Job Classification & Pay
- E. Labor Relations
- F. Employee Benefits or Insurance
- G. Employee Assistance Programs
- H. Health or Wellness Programs
- I. Hotels or Motels
- J. Dining Establishments
- K. Meeting Facilities
- L. Office Supplies, Equipment, Services
- M. Computer Software and Hardware