

# City Employees Serving on External Boards, Commissions, and/or Committees

**1.2.10**

## PURPOSE

It is the administrative policy of the City of San José that the City Manager must approve when a City employee serves on any external Board, Commission, and/or Committee where the “City of San José” or their City title will be used/displayed to ensure that no conflict of interest exists between the employee’s service, their City duties, and where applicable, the employee has the appropriate delegated authority to represent the City.

## SCOPE

This policy applies to all City employees under the City Manager’s Appointing Authority, who wish to serve on work related and non-work related Boards, Commissions, and/or Committees where the “City of San José” or their City title will be used/displayed.

## AUTHORITIES

Code of Ethics for Officials and Employees of the City of San Jose, Council Policy 0-15 and City Policy Manual 1.2.1

City employees and officials are expected to avoid any conflicts of interest. Further, employees should avoid the appearance of conflicts of interest in order to ensure that City decisions are made in an independent and impartial manner. All City officials, officers and employees are prohibited from making, participating in making, or attempting in any way to use his or her official position to influence a City decision in which the employee knows or has reason to know he or she has a financial interest as defined by law. For example, if a City employee is a member of a Board, they cannot use their position at the City to influence or solicit money, or any other financial interest, from the City or any non-City person or entity, to be allocated to the organization where they are a member of the Board.

## DEFINITIONS

“Representing the City” includes, but is not limited to, speaking on behalf of the City, expressing positions or opinions of the City, endorsing, and/or advocating on behalf of the City.

“Work Related” includes serving on Boards, Commissions, and/or Committees, including professional organizations, where the subject matter is within the employee’s scope of duties as a City employee.

“Non-Work Related” includes serving on Boards, Commissions, and/or Committees, including professional organizations, where the subject matter is outside the employee’s scope of duties as a City employee and the “City of San José” or the employee’s City title is used/displayed in connection with the external organization.

“External Boards, Commissions and/or Committees” is any body or professional organization that is responsible for issues that would be considered to be extraneous to the City. For example: Santa Clara Valley Transportation Authority Committees, Bay Area Clean Water Agencies Committees, and Professional Associations would be considered external. Council Committees and the City’s Retirement Boards **would not** be considered external.

# City Employees Serving on External Boards, Commissions, and/or Committees

**1.2.10**

## **POLICY**

All City employees who wish to serve on an external Board, Commission or Committee where the “City of San Jose” or their City title will be used/displayed must first obtain written approval from their Department Director or their designee, then from the City Manager or their designee. Employees shall not use/display their City title or the City of San José on any external Board, Commission, and/or Committee where they have not received prior authorization from the City Manager. Any City employee who has been authorized by the City Manager to represent the City on a work-related external Board, Commission, and/or Committee may have to recuse themselves from participating in matters that comes before the City, depending upon whether there is a conflict of interest under state and local law. (e.g. not signing Council Memos related to the matter, not presenting the matter to City Council, not answering questions related to the matter, etc.)

Employees should consult legal counsel for the external organization regarding participation on the external organization’s side on a matter that comes before the City.

In cases of service on a non-work related external Board, Commission, and/or Committee, employees shall ensure City time and resources are not expended in support of the external organization and its activities, and it does not conflict with their City duties. Further, employees who are approved to serve on non-work related organizations are responsible for ensuring their association with the City is not used in a way that indicates endorsement of the external organization and/or its activities by the City.

### **Prior Approval Required**

All City employees who are nominated or apply to serve on any external Board, Commission, and/or Committee, work or non-work related where the “City of San José” or their City title will be displayed, must first obtain written approval from the Department Director and authorization from the City Manager through an “Application to Serve on External Board, Commission, and/or Committee” form.

### **Notification**

Any employee who has received approval to participate on a work or non-work related external Board, Commission, and/or Committee and is subsequently not selected/appointed or is removed, voluntarily or involuntarily, before the expiration of their term, must immediately notify their Department Director and City Manager in writing.

Upon removal from a work-related external Board, Commission, and/or Committee or expiration of the employee’s term, an employee is no longer authorized to represent the City for such Board, Commission or Committee.

### **Renewal**

Upon the expiration of a term, it is the responsibility of the employee to re-apply for approval from their Department Director and then the City Manager or their designee. Employees may not continue to serve on an external Board, Commission, and/or Committee beyond the



**CITY OF SAN JOSE  
EMPLOYEE APPLICATION TO SERVE ON EXTERNAL BOARD, COMMISSION, AND/OR  
COMMITTEE**

Refer to Section 1.2.10 of the City Policy Manual

**EMPLOYEE INSTRUCTIONS:** Complete Section 1. Sign and route to Department Director.

**DIRECTOR INSTRUCTIONS:** Route approved form to City Manager. Provide a copy to employee. Retain a copy in the Department Personnel File.

**SECTION 1 – EMPLOYEE**

Last Name, First Name, Middle Initial	Employee ID Number	Date
---------------------------------------	--------------------	------

Classification	Department
----------------	------------

Name of Board/Commission/Committee	Duration of Term From            to
------------------------------------	--

Is this a work related Board, Commission and/or Committee?  Yes  No

In which capacity will you be representing the City of San Jose?

Will the City of San Jose or your City title be listed?  Yes  No

Purpose and Scope of Board/Commission/Committee

I hereby request approval to serve on an external Board, Commission and/or Committee. I understand and agree that, if my application is approved, the Appointing Authority may end or modify my authorization to represent the City at his/her discretion and that I have disclosed any actual or perceived conflicts of interest:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SECTION 2 – DEPARTMENT DIRECTOR**

**SECTION 3 – CITY MANAGER**

Approval for the applicant to serve on external Board/Commission/Committee is:

Recommended (Represent the City)  
 Recommended (Non-work related participation)  
 Not Recommended

**Expires on:            (insert term end date)**

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Approval for the applicant to serve on external Board/Commission/Committee is:

Approved (Authorization to Represent the City)  
 Approved (Non-work related participation)  
 Not Approved

**Expires on:            (insert term end date)**

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date