

# CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

## INCOMPATIBLE ACTIVITIES STATEMENT

### INTRODUCTION

Under the provisions of Government Code section 19990, the prohibited activities enumerated below are inconsistent, incompatible, in conflict with, or inimical to the duties of the employees of the California Institute for Regenerative Medicine (“CIRM”). The purpose of the Incompatible Activities Statement (“Statement”) is to protect the outstanding record of personal integrity established by employees in carrying out the CIRM’s responsibilities to the public, as well as to other state agencies.

The procedures for an employee to appeal a decision or require permission to engage in an outside activity or employment are set forth below under “Appeal Procedures.”

Activities which discredit the CIRM or are detrimental to its goals, or are contrary to the best interests of the state are not specifically covered by this Statement. However, such activities may be violative of state law and may result in employee discipline.

For purposes of this Statement, “employee” includes all officers and employees of the CIRM, but does not include members of the ICOC.

### GENERAL POLICIES

This Statement will be given to all current and future employees of the CIRM.

All levels of supervision are responsible for ensuring their subordinates are informed of the contents of this Statement. All potential employees must be informed that in accepting employment with the CIRM, they consent to this Statement.

This Statement does not attempt to specify every activity that may be incompatible, nor should it be taken as the only rules that must be observed and adhered to by an employee. This Statement is not intended to change existing law. The prohibited activities are examples; specific activities must directly relate to an employee’s job.

### PROHIBITED ACTIVITIES

Employment, activities, and enterprises deemed prohibited shall included, but not be limited to, all of the following:

#### **1. Prestige or Influence**

No employee shall use the prestige or influence of the state or the CIRM for the

## **Agenda Item #10-C**

employee's private gain or advantage or the private gain or advantage of another.

No employee shall use his or her status as a CIRM employee to solicit directly or indirectly business of any kind or to purchase goods or services for private use at discounts from a person who does business with the state.

No employee shall receive compensation, from other than the CIRM, for lobbying the Legislature, the Governor, or any state or local agency, on any issue affecting the CIRM or matters under its jurisdiction.

### **2. State Time and Property**

No CIRM employee shall use state time, facilities, equipment or supplies for his or her private gain or advantage, or for the private gain or advantage of another person.

Examples of misuse of state time and property include, but are not limited to:

a) Using state postage or stamping facilities for personal or private gain or advantage; and b) Arranging for employment outside of state service during the employee's hours of duty with the CIRM.

### **3. Confidential Information**

No employee shall utilize his or her status as a CIRM employee to acquire access to confidential information other than on behalf of the CIRM.

Additionally, no employee shall use such information for private gain or advantage or provide confidential information to persons to whom issuance of this information has not been authorized.

### **4. Gifts**

No employee shall receive or accept, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing, or is seeking to do, business of any kind with the CIRM or whose activities are regulated or controlled by the CIRM under circumstances from which it could be reasonably substantiated that the gift was intended to influence an employee's future official activities or reward him or her for past ones.

The mere receipt of a gift in accordance with the gift limit as specified in Government Code section 89503 does not violate this provision absent special facts that reasonably suggest that the recipient should have known that it was made by a contractor or grant applicant for the purpose of influencing the recipient.

Exception: inexpensive advertising items bearing the name of firms, such as pens, pencils, paperweights, calendars, and other gifts of de minimus value, etc. are acceptable.

### **5. Outside Compensation for CIRM Duties**

## **Agenda Item #10-C**

No employee shall receive or accept money or any other consideration from anyone other than the CIRM for the performance of his or her duties as a CIRM employee.

No employee shall prepare, present, or publish any speech, article, or other writing relating to the operation of the CIRM for compensation from a source other than the state without prior approval of the CIRM.

### **6. Commitment to State Employment**

Subject to applicable laws, rules, or regulations, each employee shall devote his or her full time, attention, and efforts to his or her state employment during his or her hours of duty with the CIRM.

### **7. Activities Under Employee's Jurisdiction**

No employee shall perform an act or activity in other than his or her capacity as a CIRM employee knowing that the act may later be subject directly or indirectly to the employee's control, inspection, review, audit or enforcement.

### **8. Outside Employment**

If in doubt as to whether employment outside of the CIRM may conflict with an employee's position with the CIRM, the employee shall so advise his or her supervisor in writing prior to accepting such employment and/or the CIRM Ethics Officer, if the supervisor cannot reach a decision. General prohibitions on outside employment include, but are not limited to:

- a) Any employment outside of state service for which the employee is selected or retained wholly or partially because of his or her position with the CIRM.
- b) Employment by a person doing work financed by state funds allocated by the CIRM.
- c) The private practice of law or other outside employment by an employee who is a member of the State Bar which may require his or her appearance before any state agency, Board or Commission, or any committee of the Legislature on behalf of his or her outside employment or client regarding a matter in which the CIRM is involved.

### **9. Campaign Activities**

Pursuant to Government Code section 8314, no employee shall participate in campaign activity, as specified in section 8314, on state-compensated time.

### **10. Additional Incompatible Activities and Notice Procedures**

Although this Statement attempts to anticipate the types of incompatible activity issues that are most likely to arise for CIRM employees, it is not a complete list. Therefore, when the CIRM learns that an employee is involved in an activity that the

## **Agenda Item #10-C**

CIRM believes is inconsistent, incompatible, in conflict with, or inimical to the employee's employment with the CIRM, the Chief Administrative Officer, after consultation with the President of the CIRM (where the individual is an employee of the CIRM) or the Chief of Staff of the Chairman's office, after consultation with the Chairman (where the employee reports to the office of the Chairman), shall provide a written explanation of the CIRM's decision that the activity in question should be terminated. Unless otherwise justified for good cause, the activity in question shall be terminated within 30 days of receiving the CIRM's decision. The CIRM's decision is prospective only and is subject to the review and appeal process as described below.

### **APPEAL PROCEDURES**

Employees may file a complaint concerning the application of this Statement with the Ethics Officer of the CIRM.

An employee may ask his or her supervisor for a written order to perform a specific duty that the employee believes to be incompatible with his/her duties. (Supervisors need not provide written orders where the orders given employees do not relate to an incompatible act.) If a supervisor refuses to provide a written order, an employee may submit a written summary of the supervisor's order to his/her personnel file. Employees are expected to comply with verbal or written orders. If an employee believes an order is in violation of this Statement, he or she has a right to pursue the issue through the grievance/complaint process, if the employee continues to have a good faith belief in the validity of the complaint, after conferring with the Ethics Officer of the CIRM.

### **PENALTY FOR VIOLATION OF STATEMENT**

An employee who violates a provision of this Statement is subject to disciplinary action, including termination, in the case of intentional violation.

### **ETHICS OFFICER**

The Ethics Officer will develop provisions for educating employees about potential appeal of conflict, and in the case of unintentional violations, the Ethics Officer will direct the employee on the appropriate procedure and documentation to cure accidental or unintentional violations, with all related reporting requirements, including reports to the President and/or the Board as appropriate where material issues are impacted.

An employee may also seek a prospective clearance of a potential conflict through a reasoned opinion or guidance from the Ethics Officer. If appropriate, the Ethics Officer or General Counsel may then seek assistance from the Attorney General's Office or specialized counsel. An employee retains the right to seek advice from the FPPC on any aspect of the Political Reform Act that affects his or her official duties.

### **FILING AND CERTIFICATION REQUIREMENT**

**Agenda Item #10-C**

All employees must file a Certification of receipt of this Statement upon 1) initial appointment; 2) a change in classification; and/or 3) a change in duties or circumstances that raises the issue of potential conflict with this Statement. Additionally, all those employees subject to ethics training requirements pursuant to Government Code section 11146, et seq., must certify that they have reviewed the Statement as part of the ethics training required to be completed once every two calendar years.


**CERTIFICATION**

The following certification is to be signed and submitted by employees to comply with the Incompatible Activities Statement.

DRAFT

CERTIFICATION

I have received and read a copy of the California Institute for Regenerative Medicine Incompatible Activities Statement.

Signature	Date
	
Typed or Printed Name	
Classification Title	Position Number

(Please complete and forward page to Personnel Office)

DRAFT