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Ethics Commission 2023 Reminder Notice Departmental Statements of Incompatible Activities

March 14, 2023

To: All Department Heads, Members of Boards and Commissions, and City Employees

From: Gayathri Thaikkendiyil, Acting Executive Director, Ethics Commission

Re: Departmental Statement of Incompatible Activities

As public servants, each of us performs a vital role in serving the City and County of San Francisco. As Charter Sec. 15.03 reminds us, “[p]ublic office is a public trust, and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust.” To support the implementation of this principle in practice, the City has adopted various conflict of interest and governmental ethics laws over the years, including penalties for violations of the law, in addition to discipline and removal as may be authorized in the Charter. Building on fundamental state laws that define a conflict of interest, the [City’s conflict of interest and ethics laws](#) are designed to ensure that in conducting our governmental duties on behalf of the public, we act only in the best interest of the public and without any regard for our own personal interest or gain.

One tool designed to support this practice is each department’s Statement of Incompatible Activities, or “SIA.” Adopted by each department, the SIA describes activities that are considered in conflict with or that are incompatible with the duties of officials and employees in that department. The SIAs for all City departments, boards and commissions are accessible online at the [Ethics Commission’s Incompatible Activities web page](#).

City law requires SIAs to be distributed to all employees each year by April 1 to help ensure all officials and employees know where to access their department’s Statement of Incompatible Activities and are able to familiarize themselves with its provisions. This reminder notice is provided to enable department heads to fulfill this obligation under the law to share their SIAs annually with their boards, commissions, and all departmental employees.

Purpose and Elements of Departmental SIAs

Under the City's Campaign and Governmental Conduct Code, Departmental Statements of Incompatible Activities (SIAs) are required to be developed by each City department. The SIA supplements other core ethics laws and is designed to guide officers and employees about the kinds of activities that the department has determined to be incompatible with the public duties of its officials and employees and which, therefore, are prohibited.

Statements identify the kinds of outside activities, including self-employment, that are incompatible with the mission of the Department and are restricted for departmental officers and employees. These activities can include those that conflict with official duties, have excessive time demands, or are subject to the review of the department. Prohibitions can apply to these activities whether they are compensated or uncompensated.

Advance Written Determinations. Departmental SIAs also describe a process that may be used by a department official or employee to seek an advance written determination related to certain of the prohibitions contained in the SIA to determine if a proposed outside activity conflicts with the mission of the department, imposes excessive time demands, is subject to departmental review or is otherwise incompatible and therefore prohibited. Requests for advance written determinations and written determinations, including approvals and denials, are public records to the extent permitted by law.

Departmental SIAs also include other key ethics provisions of City law that apply to all city officers and employees, including restrictions on the use of City resources, city work-product, and prestige of the office, and prohibitions on gifts for assistance with City services.



Questions about SIA Provisions and How they Apply?

For questions about their SIA or other applicable laws governing their conduct, employees should feel free to reach out to their supervisor or to the department director. The supervisor or director may determine that the question should be addressed to the City Attorney. Depending on the question, the department or City Attorney may determine that the question should be addressed by the Ethics Commission. Employees may also contact their unions for advice or information about their rights and responsibilities under these and other laws.

Employees can also reach out to the Ethics Commission at any time with questions, for compliance assistance, or to seek advice about how the laws within the Ethics Commission's jurisdiction may apply to them.

For City officers, questions about their departmental SIA and how it applies may be directed to the officer's appointing authority, the Ethics Commission, or the City Attorney.

Annual Distribution of SIAs to all Departmental Officers and Employees is Required

To help refresh awareness about the contents of our Departmental SIA, and to promote seeking guidance about any questions, annual distribution of SIAs is required. Every year, no later than April 1, every City department, board, commission or agency must provide to its officers and employees a copy of its [departmental Statement of Incompatible Activities \(SIA\)](#) per [Ethics Commission Regulation 3.218-2](#).

To fulfill this obligation, departments are required to: post on their departmental web page and in the same location where other legal notices are posted in the department's physical offices; *and* either distribute a paper copy to each officer or employee, or send to each officer and employee an email that contains the SIA or provides [an electronic link to the department's statement](#) or provides a handout to each officer or employee that references the SIA including the web address where the SIA can be found, and directs the officer or employee to review the SIA in its entirety. Departments should ensure that a hard copy of this notice and the department's SIA are posted in the same physical location where other legal notices are posted. To ensure that new officers and employees are notified of the SIA, each new officer or employee also should be provided a copy of their department's SIA at the time of appointment or hire.

For Other Information about the City's Ethics Laws and Work of the Ethics Commission

The City and County of San Francisco has adopted a comprehensive framework of ethics laws that govern our service to the public, including other provisions that are not specifically addressed in departmental SIAs. Important provisions that can apply to city officers and employees include:

- other conflict of interest restrictions, such as tools to detect, disclose, and avoid possible financial conflicts of interests between our official duties and our personal economic interests;
- limits on gifts, travel payments, honoraria, and loans;
- political activity restrictions;
- post-employment restrictions, often referred to as “revolving door” restrictions;
- ethics training requirements;
- whistleblower protections to prevent retaliation for filing a complaint alleging waste, fraud or abuse.

For general questions about this annual reminder notice or for more information about the City's ethics laws generally, please feel free to visit the Ethics Commission's website at sfethics.org or contact the Ethics Commission at ethics.commission@sfgov.org. We will be happy to provide assistance.

General updates and other news from the Ethics Commission is available by subscription. Persons wishing to sign up to receive this information electronically can sign up [here](#).

*Thank you for your time and for the vital work you do every day
to support integrity in service to the public.*