

NON-SCHOOL EMPLOYMENT (Conflict of Interest)**Personnel**

In order to help maintain public trust in the integrity of District operations, the Board of Trustees expects all employees to give the responsibility of their positions precedence over any other outside employment. A District employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her District duties.

An outside activity may be considered inconsistent, incompatible, or inimical to District employment, and require notice to the employee's supervisor as described below (Government Code 1126), when such activity:

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties;
2. Entails compensation from an outside source for activities, which are part of the employee's regular duties;
3. Involves using the District's name, prestige, official employment titles, time, facilities, equipment, or supplies for private gain;
4. Involves service which will be wholly or in part subject to the approval or control of another District employee or Board Member;
5. Requires the employee to perform services for pay during regular work days or during paid leaves of absence;
6. Entails performing services for an entity or individual who has represented individuals in an adversarial setting against the District within the last 12 months if the District employee's job duties included representing or advocating for the District in such adversarial setting.

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request, which includes the explanation of why the outside employment or activity is not a conflict of interest with his/her immediate supervisor describing the nature of the employment and the time required. In collaboration with Human Resources, the supervisor and the Assistant Superintendent of Human Resources shall evaluate each request based on the employee's specific duties within the District and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the Superintendent or designee. An employee who fails to request or continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

An employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es) or at the school site of his/her employment. An employee who wishes to tutor another District student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use District facilities, equipment, or supplies when providing the tutoring service.

Other Activities and Pressure to Participate

In addition to actual non-school employment, other activities and association with organizations in which an employee may be an owner or, in some manner received financial or personal gain, may present a possible conflict of interest when the student/parent perceives pressure to participate. An employee associated with a non-school activity or organization may not require or pressure students and/or parents to fund or participate in an employee's non-school activity or organization. Activities, which because of the employee's position or influence on student outcomes, testing, selection for competitive positions (e.g. athletics, performing arts, or any competitive group) could influence, persuade, or cause (potentially unfairly) student and/or parent decisions to invest funds, or time, or student commitment to the employee's private, non-school, funded and/or outside funded activity in such activities, must be reviewed each year with Human Resources and must be approved each year by Human Resources prior to the employee's involvement in such activity. An employee who fails to request or who continues to pursue such a non-school activity without appropriate review and approval may be subject to disciplinary action.

Legal Reference:

EDUCATION CODE

35160 – Authority of Board of Trustees; 35160.1- Broad authority of school Districts;
51520 – Prohibited solicitation on school premises

GOVERNMENT CODE

1126 – Incompatible activities of employees; 1127 – Incompatible activities; off duty work;
1128 – Incompatible activities, attorney

CODE OF REGULATIONS, TITLE 5

80334 – Unauthorized private gain or advantage

ATTORNEY GENERAL OPINIONS

70 Ops.Cal.Atty.Gen. 157 (1987)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>; Fair Political Practices Commission: <http://www.fppc.ca.gov>

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