

**All Personnel**

BP 4136(a)

4236

**NONSCHOOL EMPLOYMENT**

4336

In order to help maintain public trust in the integrity of district operations, the Governing Board 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.

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 9270 - Conflict of Interest)*

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity: (Government Code 1126)

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, 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

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*

*(cf. 4135/4235/4335 - Soliciting and Selling)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

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 with his/her immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

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 continues to pursue a prohibited activity may be subject to disciplinary action.

## **NONSCHOOL EMPLOYMENT (continued)**

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*  
*(cf. 4144/4244/4344 - Complaints)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

### **Tutoring**

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es). 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.

#### *Legal Reference:*

##### EDUCATION CODE

35160 *Authority of governing boards*  
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>