

Personnel

Nonschool Employment

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

As used in this policy, “outside activity” refers to any employment, activity, or enterprise for which the employee receives compensation (including service as an independent contractor), regardless of whether the outside activity preceded the employee’s District employment.

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

1. Involves time demands that would interfere with the proper, efficient discharge of the employee's duties or render the employee less efficient in the performance of their 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, or property (including, but not limited to, equipment, supplies, and technology) or the influence of the employee’s office for private gain;
4. Involves acts which may later be subject directly or indirectly to the approval, inspection, review, audit, enforcement, or control of the District.

An employee wishing to engage in outside activities or accept outside employment shall file a written request with their immediate supervisor describing the nature of the employment and the time required. The supervisor, in consultation with the District Department of Human Resources, shall determine whether the outside employment is inconsistent, incompatible, in conflict with, or inimical to the employee’s District employment based on the specific terms, conditions, hours, and nature of the outside employment and the employee's duties within the District and inform the employee whether the outside employment is prohibited.

The employee may appeal a supervisor's denial of authorization to the Superintendent or designee by submitting a written request for an appeal within five days of the supervisor's decision. The Superintendent or designee shall review the supervisor's decision and the information on which the decision was based, as well as other information provided by the employee and issue a written decision on the appeal. The decision on the appeal shall be final.

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

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in their class(es). An employee who wishes to tutor another District student shall first request authorization from their supervisor in accordance with this Board Policy. If authorization is granted, the employee shall not use District facilities, equipment, supplies, or other District property when providing the tutoring service.

Cross References:

BP/AR 1321 - Solicitation of Funds from and by Students

BP/AR 3300 - Expenditures and Purchases

BP/AR/E 4040 - Employee Use of Technology

AR 4112.9/4212.9/4312.9 - Employee Notifications

BP 4119.1/4219.1/4319.1 - Civil and Legal Rights

BP/E 4119.21/4219.21/4319.21 - Professional Standards

BP 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information

BP 4132/4232/4332 - Publication or Creation of Materials

BP. 4135/4235/4335 - Soliciting and Selling

BP/AR/E 4144/4244/4344 - Complaints

AR 4218 - Dismissal/Suspension/Disciplinary Action

BP/AR/E 6161.1 - Selection and Evaluation of Instructional Materials

BB/E 9270 - Conflict of Interest

Legal References:

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

Policy STOCKTON UNIFIED SCHOOL DISTRICT

adopted: Stockton, California