

**NONSCHOOL EMPLOYMENT**

The Governing Board supports employees engaging in non-contract employment, recognizing the value of the contributions the staff make in improving the quality of children's lives in the community.

At the same time, 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 such as tutoring or enrichment activities as long as they are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

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; OR
5. Involves using confidential information related to students or fellow professionals for personal gain or advantage

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall submit 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. Such a request shall always be submitted when an employee wishes to tutor or provide enrichment activities to a District student.

However, an employee shall not accept any compensation or other benefit for tutoring a student with whom s/he currently works as a function of his/her regular assigned duties.

This policy shall not be construed as prohibiting employees from providing enrichment activities during non-contract times.

If authorization is granted to provide a tutoring service or an enrichment activity, the employee shall not use confidential information related to students or fellow professionals, equipment, communication sources, or supplies when advertising for or when providing the tutoring service or the enrichment activity.

The supervisor shall inform the employee whether the non-school employment is prohibited. The employee may appeal a supervisor's denial of authorization to the Superintendent or designee.

## Personnel

BP 4136, 4236, 4336

Within 10 days of processing, all requests are to be filed in the Human Resources Department.

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

Certificated employees who violate this policy may be subject to discipline and/or reported to the California Commission on Teacher Credentialing for unprofessional conduct.

### 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>

(9/91) 7/08

Policy Adopted: May 8, 2012

ROSS VALLEY SCHOOL DISTRICT  
San Anselmo, CA