
Non-School Employment Policy 5-106

Scope:

This policy applies to all District employees, including:

- Certificated employees, including teachers, counselors, librarians, and other personnel holding valid California teaching credentials or certificates issued by the Commission on Teacher Credentialing.
- Classified employees, including clerical, custodial, maintenance, food service, transportation, instructional aides, and other non-certificated personnel.
- Management and supervisory personnel, including the Superintendent, administrators, directors, coordinators, principals, and other personnel designated as management or supervisory under Education Code Section 45108.5.

Purpose

The Governing Board recognizes that District employees may wish to engage in outside employment. This policy establishes guidelines to ensure that non-school employment does not interfere with employees' effectiveness in fulfilling their responsibilities to the District, create conflicts of interest, or involve incompatible activities as defined by California law.

1. General Principles

- Employees may engage in outside employment provided it does not adversely affect their job performance, availability, or responsibilities to the District.
- The District does not prohibit employees from pursuing reasonable outside employment during non-duty hours.
- Employees remain bound by their employment obligations to the District, including availability for meetings, professional development, assigned work schedules, and other required activities.
- Management and supervisory employees hold positions of trust and significant responsibility. Given that management responsibilities often extend beyond traditional

work hours, such employees must exercise heightened judgment regarding outside employment.

2. Prohibited Activities

In accordance with Government Code Section 1126, employees shall not engage in any employment, activity, or enterprise for compensation that is:

- Inconsistent, incompatible, in conflict with, or inimical to their duties as District employees;
- In conflict with the duties, functions, or responsibilities of the Superintendent, the Governing Board, or the District;
- Subject to approval by any other officer, employee, board, or commission of the District, unless otherwise approved pursuant to this policy

3. Specific Incompatible Activities

The following activities are deemed incompatible with District employment:

- Using District time, name, prestige, facilities, equipment, supplies, or resources for private gain or business purposes;
- Using one's position, authority, or confidential information obtained through District employment for private gain;
- Engaging in activities that require regular absence from assigned duties during scheduled work hours;
- Employment with organizations that contract with, seek to do business with, or are regulated by the District where the employee's involvement could constitute a conflict of interest;
- Performing services similar to assigned District duties for compensation in a manner that competes with District services or creates a conflict of interest;
- Engaging in outside employment that could create an actual or apparent conflict of interest with respect to purchasing, contracting, personnel, or other decisions within the employee's authority.

Additional restrictions for specific employee groups:

- **Certificated Employees:** Private tutoring of students assigned to the employee's own classes for compensation is prohibited. Providing services to District students for compensation in a manner that creates a conflict of interest or the appearance of impropriety is prohibited.
- **Management/Supervisory Employees:** Providing consulting services to other school districts, educational organizations, or other entities on matters related to their District responsibilities when such activities create an actual or potential conflict of interest, interfere with District duties, involve the use of District resources, or are undertaken without any required District approval is prohibited. Management and supervisory employees shall not serve as an officer, director, employee, or consultant of any organization whose interests create an actual conflict of interest with the employee's District duties or otherwise result in an incompatibility of office or employment under applicable law.

4. Notification and Approval

- **Certificated and Classified Employees:**
 - Employees who seek to engage in outside employment that may create an actual or potential conflict of interest, be incompatible with their District duties, or otherwise interfere with the performance of their responsibilities shall submit a written request to their immediate supervisor describing the nature of the outside employment and the anticipated time commitment.
 - Employees must obtain prior written approval from the Superintendent or designee before engaging in any outside employment that requires their efforts to be subject to approval by any District officer, employee, board, or commission.
- **Management and Supervisory Employees:**
 - Management and supervisory employees shall notify the Superintendent (or the Board President for the Superintendent) in writing of any outside employment prior to commencing such employment.
 - The notification shall include the nature of the outside employment, anticipated time commitment, and how the employee will ensure that District responsibilities are not compromised.

- Approval may be denied or revoked if the outside employment is determined to be incompatible with District responsibilities

The Superintendent or designee shall respond to requests for approval within ten (10) working days.

5. Disciplinary Action

Employees who engage in prohibited outside employment or incompatible activities, or who fail to disclose required information, may be subject to disciplinary action, up to and including dismissal, in accordance with applicable Education Code provisions, employment agreements, and collective bargaining agreements.

6. Appeal Process

- **Certificated and Classified Employees:** An employee who believes that outside employment has been unreasonably denied or that disciplinary action is unwarranted may appeal through the District's grievance procedures or as provided in the applicable collective bargaining agreement.
- **Management and Supervisory Employees:** An employee may appeal to the Governing Board in writing within ten (10) working days of the decision. The Board shall consider the appeal at its next regular meeting, and its decision shall be final.

Administrative Regulations

1. Request for Approval Process

When approval is required under this policy, employees shall submit a written request to the Superintendent or designee (or Board President for the Superintendent) that includes:

- Name of the outside employer or nature of self-employment/consulting;
- Detailed description of duties, responsibilities, and scope of work;
- Anticipated hours, schedule, and location of outside employment;
- Expected compensation or remuneration (required for management employees);
- Start date and expected duration;
- Statement explaining how the employee will ensure District responsibilities are not compromised;
- Full disclosure of any actual or potential conflicts of interest;
- Identification of any District vendors, contractors, or entities with business before the District that are involved (required for management employees).

2. Review and Determination

The Superintendent or designee (or Board for the Superintendent) shall review the request and consider:

- Whether the outside employment creates an actual, potential, or apparent conflict of interest;
- Whether the employment would interfere with the employee's duties, availability, assigned schedule, or decision-making authority;
- Whether District resources, confidential information, or the employee's position could be misused or compromised;
- Whether the outside employment competes with or duplicates District services;
- The potential impact on students, the educational program, and public perception of District leadership;

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The policies are developed in collaboration with the Small School Districts' Association for general informational, educational and procedural purposes only and are not intended to constitute legal advice for any specific situation.

- Whether the employment involves entities that do business with or are regulated by the District.

The reviewing authority shall provide a written response within ten (10) working days, approving, denying, or approving with conditions the request. The response shall include the rationale for any denial or conditions imposed.

3. Conditions of Approval

Approval of outside employment may be subject to conditions including, but not limited to:

- Limitations on hours or scheduling to ensure availability for District duties;
- Prohibition on use of District facilities, equipment, resources, or staff;
- Recusal from any District decisions involving the outside employer or related entities;
- Requirements for periodic review and renewal of approval;
- Immediate disclosure of any changes in the nature, scope, or clients of outside employment;
- Written acknowledgment that District responsibilities take priority over outside employment.

4. Revocation of Approval

Approval may be revoked if:

- The outside employment begins to interfere with the employee's District duties, availability, or judgment;
- The employee fails to comply with conditions of approval;
- Circumstances change such that the employment becomes incompatible or creates a conflict;
- The employee provided false, incomplete, or misleading information in the request;
- The outside employment creates actual or perceived harm to the District's interests or reputation.

5. Special Provisions for Certificated Employees – Private Tutoring

Certificated employees who provide private tutoring shall:

- Not tutor students currently assigned to their own classes for compensation;
- Not use District facilities, equipment, or materials for private tutoring without prior written approval;
- Not solicit tutoring clients during school hours or using District communication systems;
- Ensure tutoring activities do not create the appearance that the District endorses the private service.

6. Special Provisions for Management Employees – Consulting and Speaking

Management employees who wish to provide consulting services, professional presentations, or speaking engagements for compensation shall:

- Obtain prior written approval as provided in these regulations;
- Not use District time for preparation or delivery of such services;
- Not represent that they are acting on behalf of or endorsed by the District;
- Clearly distinguish personal opinions from District policies or positions;
- Not provide consulting services to entities that compete with or have matters pending before the District.

7. Confidential Information

All employees with access to confidential District information shall take special care to ensure that outside employment does not create opportunities for unauthorized disclosure. Such employees may be subject to additional restrictions on outside employment.

8. Annual Disclosure (Management Employees)

Management and supervisory employees with approved outside employment shall submit an annual update confirming the status and details of such employment. Any material changes that may affect potential conflicts of interest, compatibility with District duties, or compliance with applicable law or District policy shall be reported immediately.

9. Recordkeeping

The Superintendent or designee shall maintain records of all outside employment requests, notifications, approvals, denials, conditions, and revocations. Records shall be retained in accordance with the District's records retention schedule and may be subject to public disclosure as required by law.