

KERN COUNTY SUPERINTENDENT OF SCHOOLS OFFICE**PERSONNEL****OUTSIDE EMPLOYMENT RESTRICTIONS AND EMPLOYEE CONDUCT**

To help maintain public trust in the integrity of the Kern County Superintendent of Schools Office (KCSOS), all employees are expected to give the responsibility of their positions precedence over any other outside employment. A KCSOS employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's duties.

An outside activity shall be considered inconsistent, incompatible, in conflict with, or inimical to KCSOS employment when such activity (Government Code section 1126):

1. Requires work hours or time demands that interfere with the proper, efficient discharge of the employee's duties.
2. Interferes with the proper performance of professional responsibilities, negatively impacts the employee's attendance, or reflects adversely on KCSOS or any Kern County school district.
3. Conflicts with or creates the appearance of conflict with the work or programs of KCSOS.
4. Entails compensation from an outside source for activities which are part of the employee's regular duties or which are performed for clients of KCSOS.
5. Involves using the name, prestige, time, facilities, equipment, or supplies of KCSOS for private gain.
6. Involves service rendered in a capacity other than as a KCSOS employee which will be wholly or in part subject to the approval, inspection, review, audit, enforcement, or control of another KCSOS employee or a member of the Kern County Board of Education.
7. Involves service by a certificated employee to tutor a student enrolled in his/her class for compensation or other benefit.
8. Would result in the release of student information or other confidential information of KCSOS.
9. Involves the use of the employee's authority over a particular KCSOS matter to negotiate future employment or business with any person or entity.

10. Involves employment with, or rendering services to, an entity of the type which does business with school districts or county superintendents of schools, where the employee's work at KCSOS is related in some way to the type of work performed by the outside entity.

An employee wishing to pursue an outside activity or employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request for determination with his/her immediate supervisor, with a copy provided to the assistant superintendent (or associate superintendent) with responsibility for the requesting employee's program, describing the nature of the activity or employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within KCSOS and make a recommendation to the appropriate assistant/associate superintendent, who will determine whether the outside activity or employment is incompatible with KCSOS employment and notify the employee.

The employee may appeal the determination by submitting a written appeal to the assistant superintendent of Human Resources (or the associate superintendent in the case of a previous determination by the assistant superintendent of Human Resources). The assistant superintendent of Human Resources (or associate superintendent, as applicable) shall inform the employee of the decision on appeal. An employee who continues to pursue an incompatible activity or employment may be subject to disciplinary action.

This policy applies to all divisions and programs of KCSOS, including joint powers agreements/entities and other programs administered by KCSOS.

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

CALIFORNIA ATTORNEY GENERAL OPINIONS

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