



PERSONNEL – CERTIFICATED EMPLOYEES

BOARD POLICY – NONSCHOOL EMPLOYMENT

BP 4136

In order to help maintain public trust in the integrity of SBCEO operations, the County Board of Education and the County Superintendent of Schools expect all employees to give the responsibility of their positions precedence over any other outside employment. An SBCEO 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 SBCEO duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to SBCEO 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 SBCEO'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 SBCEO employee or Board member

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 the employee's 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 SBCEO and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the County Superintendent of Schools or designee. 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 the certificated employee's class(es). An employee who wishes to tutor another SBCEO student shall first request authorization from the employee's supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use SBCEO facilities, equipment, or supplies when providing the tutoring service.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Attorney General Opinion
Website
Website

Description

70 Ops.Cal.Atty.Gen. 157 (1987)
[Fair Political Practices Commission](#)
[CSBA](#)

State

5 CCR 80334
Ed. Code 35160
Ed. Code 35160.1
Ed. Code 51520
Gov. Code 1126
Gov. Code 1127
Gov. Code 1128

Description

Unauthorized private gain or advantage
Authority of governing boards
Broad authority of school districts
Prohibited solicitations on school premises
Incompatible activities of employees
Incompatible activities; off duty work
Incompatible activities, attorney

ADOPTED BY COUNTY BOARD: December 1, 1983

REVISED: May 7, 1992, April 7, 1994, September 1, 2022