

Incompatible Activities (SSDA 38)

Intent of Policy

The purpose of this policy is to provide notice that Board Members and District employees are prohibited from engaging in specified activities as those activities are incompatible or otherwise conflict with their duties as officers and employees of the District.

Prohibited Activities

District Board Members and District employees are prohibited from engaging in the following activities:

1. Any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a Board Member or District employee;
2. Any employment, activity, or enterprise for compensation which is inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of the District.
3. Unless the Superintendent has provided prior approval to a District employee, any work, service, or counsel for compensation outside of District employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his or her employing body.

Incompatible Outside Activities of District Employees

The Superintendent shall determine, subject to Board approval, those outside activities of the District employees which are inconsistent with, incompatible to, or in conflict with their duties as a District employee.

A District employee's outside employment, activity, or enterprise may be prohibited if it:

1. Involves the use for private gain or advantage of using District time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence from his/her employment with the District;
2. Involves receipt or acceptance by the District employee of any money or other consideration from anyone other than the District for the performance of an act which the District employee, if not performing such act, would be required or expected to render in

the regular course or hours of his or her employment with the District or as a part of his or her duties as a District employee;

3. Involves the performance of an act in other than his or her capacity as a District employee which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any District employee or the District Board; or
4. Involves time demands as would render performance of his or her duties as a District employee less efficient.

Notice To Employees That They May Be Disciplined for Violating this Policy

All employees shall be provided with written notice that engaging in any of the prohibited activities listed above, may subject them to disciplinary action by the District. If it is determined that an employee has engaged in prohibited activities, the employee will be informed of the District's determination and of the disciplinary action to be taken by the District. Whenever the District determines that an employee has engaged in prohibited activities, the employee shall be given the opportunity to appeal the District's determination. (Gov. Code § 1126.)

Solicitation of Students

During school hours, and within one hour before and after the end of the school day, District students shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the District.

This section does not prohibit students from being solicited for charitable purposes as follows:

1. The solicitation is by an organization that is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress or under the laws of the state;
2. The purpose of the solicitation is nonpartisan and charitable; and
3. The solicitation has been approved by the District Board.

Solicitations on Behalf of the District

No person shall solicit any other person to contribute to any fund or to purchase any item of personal property, upon the representation that the money received is to be used wholly or in part for the benefit of either the District or the students of the District, unless such person obtains the prior written approval of the District board or its designee.

This section does not prohibit any solicitation or contribution, the total proceeds of which are delivered to the District, nor to a solicitation of a transfer to be affected by a testamentary act. (Gov. Code § 1126; Ed. Code §§ 51520, 51521.)