

Series 4000 – Personnel

SP 4136(a)

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All Personnel

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INCOMPATIBLE ACTIVITIES

This policy is applicable to all officers and employees. It identifies activities which are inconsistent, incompatible, or conflicting with their duties or offices, imposes a duty on all officers and employees to disclose those activities, and specifies actions to be taken by supervisory/management personnel.

Regulations

A Sutter County Superintendent of Schools Office officer or employee shall not engage in any activity or enterprise which is inconsistent with or inimical to either his/her own duties with the County Office or to the functions or responsibilities of the County Office.

This prohibition includes, but is not limited to, the following:

1. Use of County Office time, facilities, equipment, supplies, or name for private gain or advantage.
2. Receipt or acceptance of money or other consideration from other than the County office for activity which the employee or officer is expected to render in the regular course or hours of his/her employment with the County Office.
3. Employment for compensation involving time demands which would render performance of his/her duties as a local agency officer or employee less efficient and affects job performance.
4. Sale or promotion, on County Office property during employee's or officer's duty hours, of products or services, rental of property or products, or promotion of any academic or nonacademic enterprise in which the employee or officer may have a pecuniary interest.
5. Acceptance of remuneration, direct or indirect, for tutoring a student who is, or was during the past two semesters, enrolled in an employee's classes. No employee shall engage in tutoring for which he/she receives a fee on any of the campuses of the County Office nor may any equipment belonging to the County Office be used for this purpose. This excludes home and hospital services provided.
6. Outside employment or volunteer activities which conflict with the assigned hours of County Office employment.

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INCOMPATIBLE ACTIVITIES (continued)

7. Outside attendance at classes/courses at colleges and universities which conflict with assigned hours of County Office employment unless prior approval by superintendent or assistant superintendent.
8. Submission of bids to purchase surplus County Office personal property when such is offered for public sale by the County Office, if the officer or employee participated in the decision to declare the property surplus.
9. Outside activity which involves the use for private gain or advantage of the prestige or influence of the individual's position as a faculty or staff member, or employee of a particular department or office. This includes the use of information not readily available to the general public, gained in the course of County Office employment, for private gain or advantage, or the gain or advantage of another.
10. Performance, outside of the County Office, of any work service for compensation where any part of his/her efforts will be subject to approval or control by any other County Office employee, unless reported and approved in accordance with Implementation #1 and #2 below. (California Government Code 1126(a))

Implementation

1. All officers and employees shall apprise their immediate supervisor, in writing, when they are engaged or intend to engage in any activity, employment, or enterprise which could be in violation of the regulations enumerated above.

This requirement is in addition to the reporting requirements for designated employees covered by the County Office's Conflict of Interest Code.

(cf. 9270 – Conflict of Interest)

2. When a possible incompatibility exists, the issue shall be resolved in the following sequence:
 - a. The immediate supervisor/manager will notify the employee of his/her belief that activities engaged in by the employee violate a specific prohibition of this policy. (If initial notification is oral, a follow-up written memo shall be sent both to the employee and County Superintendent confirming and detailing this belief.)

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INCOMPATIBLE ACTIVITIES (continued)

- b. The employee shall be informed of his/her right to appeal any determination of conflict of interest or incompatible activity and from its application in his/her specific case.
 - c. If the employee desires to appeal, such appeal will be made to the County Superintendent.
 - d. If, on appeal, the County Superintendent determines that the employee's activities do violate this policy the employee will cease those activities or alternatively terminate his/her employment status with the County Office. Failure to take one of these actions shall be cause for disciplinary action which could result in dismissal.
3. The existence of procedures in Implementation #2 above shall not be construed to preclude disciplinary action against employees who willfully violate this policy by engaging in activities which are clearly inconsistent with or inimical to his/her County Office duties or office, nor to take appropriate disciplinary or other action when those activities violate any other policy or regulation.

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>