

# MIDDLETOWN UNIFIED SCHOOL DISTRICT

## Policy 4336: Nonschool Employment

Original Adopted Date: 1/17/2024

In order to help maintain public trust in the integrity of district operations, the Governing Board expects all employees to give the responsibility of their positions precedence over any other outside employment. A district employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to district 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 district'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 district 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 his/her 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 district 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 Superintendent 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 his/her class(es). An employee who wishes to tutor another district student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use district facilities, equipment, or supplies when providing the tutoring service.

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#### 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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 80334	Unauthorized private gain or advantage

Ed. Code 35160	<a href="#"><u>Authority of governing boards</u></a>
Ed. Code 35160.1	<a href="#"><u>Broad authority of school districts</u></a>
Ed. Code 51520	<a href="#"><u>Prohibited solicitations on school premises</u></a>
Gov. Code 1126	<a href="#"><u>Incompatible activities of employees</u></a>
Gov. Code 1127	<a href="#"><u>Incompatible activities; off duty work</u></a>
Gov. Code 1128	<a href="#"><u>Incompatible activities; attorney</u></a>
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	70 Ops.Cal.Atty.Gen. 157 (1987)
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>Fair Political Practices Commission</u></a>
Website	<a href="#"><u>CSBA</u></a>

### Cross References

<b>Code</b>	<b>Description</b>
1321	<a href="#"><u>Solicitation Of Funds From And By Students</u></a>
1321	<a href="#"><u>Solicitation Of Funds From And By Students</u></a>
3300	<a href="#"><u>Expenditures And Purchases</u></a>
4040	<a href="#"><u>Employee Use Of Technology</u></a>
4040-E(1)	<a href="#"><u>Employee Use Of Technology</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9-E(1)	<a href="#"><u>Employee Notifications</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4119.1	<a href="#"><u>Civil And Legal Rights</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4119.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4132	<a href="#"><u>Publication Or Creation Of Materials</u></a>
4135	<a href="#"><u>Soliciting And Selling</u></a>
4144	<a href="#"><u>Complaints</u></a>
4144	<a href="#"><u>Complaints</u></a>
4212.9	<a href="#"><u>Employee Notifications</u></a>
4212.9-E(1)	<a href="#"><u>Employee Notifications</u></a>
4218	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>

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4219.21	<a href="#"><u>Professional Standards</u></a>
4219.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4219.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4232	<a href="#"><u>Publication Or Creation Of Materials</u></a>
4235	<a href="#"><u>Soliciting And Selling</u></a>
4244	<a href="#"><u>Complaints</u></a>
4244	<a href="#"><u>Complaints</u></a>
4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9-E(1)	<a href="#"><u>Employee Notifications</u></a>
4319.1	<a href="#"><u>Civil And Legal Rights</u></a>
4319.21	<a href="#"><u>Professional Standards</u></a>
4319.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4319.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4332	<a href="#"><u>Publication Or Creation Of Materials</u></a>
4335	<a href="#"><u>Soliciting And Selling</u></a>
4344	<a href="#"><u>Complaints</u></a>
4344	<a href="#"><u>Complaints</u></a>
6161.1	<a href="#"><u>Selection And Evaluation Of Instructional Materials</u></a>
6161.1	<a href="#"><u>Selection And Evaluation Of Instructional Materials</u></a>
6161.1-E(1)	<a href="#"><u>Selection And Evaluation Of Instructional Materials</u></a>
9270	<a href="#"><u>Conflict Of Interest</u></a>
9270-E(1)	<a href="#"><u>Conflict Of Interest</u></a>