

# LODI UNIFIED SCHOOL DISTRICT

Policy 4136  
4236  
4336

## REVISION

### Personnel

#### Non-District Activities

In order to help maintain public trust in the integrity of district operations, the Board of Education expects all employees to give the responsibility of their positions precedence over 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~~ **their** district duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity:

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 the Personnel Director describing the nature of the employment and the time required. The director shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

The Director of Personnel shall inform the employee whether the outside employment is prohibited. The employee may appeal a director'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 **their** 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.

Legal References: 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)