

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Personnel
SECONDARY EMPLOYMENTPolicy Statement

To enhance public trust in the integrity of the Office of the Fresno County Superintendent of Schools' ("FCSS") operations, the County Superintendent expects all employees to give full commitment to their FCSS positions. FCSS employment shall take precedence over any other secondary employment or business enterprises. Therefore, the following shall be the policy when an FCSS employee holds employment or operates a business enterprise elsewhere while employed with the FCSS.

QUICK LINKS

[Secondary Employment Notification and Acknowledgement](#)

As a Public Agency, the FCSS has a substantial interest to ensure that all employees adhere to Government Code Section 1126, which states, in part:

"...a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service, or counsel for compensation outside of his or her local agency 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, unless otherwise approved..."

Therefore, employees may receive compensation for outside activities provided these activities are not inconsistent, incompatible, in conflict with, or inimical to their FCSS duties.

Notification:

All employees must complete a Secondary Employment Notification and Acknowledgment form at time of hire and whenever there is a change in the status of their secondary employment or business enterprise during their employment with the FCSS. Failure to do so may create a conflict of interest and/or be a breach of employment obligations with the FCSS. Each FCSS employee is expected to follow the rules governing the application of this policy. Employees who engage in unauthorized employment or business enterprise activities may be subject to disciplinary action.

Secondary employment, activities or enterprise are strictly prohibited if they:

1. Conflict with an employee's work schedule, duties, and responsibilities.
2. Create a direct or indirect conflict of interest or are incompatible with the employee's employment with the FCSS.
3. Have an impact upon or create a possibility of conflict with county office operations.
4. Entail compensation from an outside source for activities which are part of the employee's regular FCSS duties.
5. Involve using the FCSS name, logo and/or prestige.
6. Involve service which will be wholly or in part subject to the approval or control of another FCSS employee.
7. Involve time demands that render performance of their FCSS duties less efficient and/or impair or have a detrimental effect on an employee's FCSS work performance.

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8. Require the employee to conduct work or related activities using FCSS' facilities, equipment, supplies, or during the employer's working hours and/or using the employer's facilities, supplies and/or equipment for private gain.
9. Secondary employment or business enterprises may be prohibited when the service(s) the employee provides require the education, training, experience and/or skills used within the employee's specified position (e.g., County/Regional/State/National delivering same or similar service for compensation to clients within the scope of FCSS employment).
10. Secondary employment may also have an impact on an employee's retirement contribution/eligibility and/or "creditable service" as defined in Education Code § 22119.5. Therefore, it is imperative to complete this form if secondary employment or outside business enterprise pay into a retirement plan, e.g., CalPERS, CalSTRS and/or an alternate retirement plan.

An example of secondary employment that could pose a conflict of interest is when an FCSS employee works as a consultant for a company that sells products and/or provides services to the same school districts, programs, and/or students as FCSS. This dual role can compromise their objectivity in decision-making and create a potential conflict or be incompatible between their FCSS' responsibilities and their interests in the consulting position.

Human Resources Review:

Once the Human Resources Department receives a completed Secondary Employment Notification and Acknowledgement form from an employee, the Senior Human Resources Specialist/Human Resources Technician II shall complete the Human Resources section and forward to program administration for review when the employee certifies they have employment or operate a business enterprise elsewhere while employed with the FCSS.

Program Administrative Review:

- The immediate supervisor will receive a completed Secondary Employment Notification and Acknowledgement form to review the confirmed secondary employment or business enterprise with the employee to ensure it does not conflict with their FCSS assignment. The immediate supervisor will assess whether the secondary employment/business enterprise poses a potential conflict or not and forward their recommendation to their Program Administrator for review.
- The Program Administrator will review the confirmed secondary employment/business enterprise and the immediate supervisor assessment to ensure whether or not it poses a potential conflict with their FCSS assignment.
 - If there is not a conflict of interest or other incompatibility, the Program Administrator will forward their recommendation of support to their supervising Cabinet Member.
 - If a conflict of interest or other incompatibility is identified, the Program Administrator will collaborate with their applicable Cabinet Member and arrange a meeting with the employee and their immediate supervisor to review the potential issues in accordance with this policy.
- The supervising Cabinet Member shall determine whether the secondary employment/business enterprise is supported or not supported based on this policy.
- If further investigation is needed, the applicable Cabinet Member will collaborate with the Assistant Superintendent of Human Resources/designee to ensure compliance.

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District Payroll Review:

The Human Resources Department shall forward all Secondary Employment Notification and Acknowledgement forms to the District Payroll Department for review/verification of the appropriate retirement designation. Should a change to the retirement system be necessary based on the secondary employment/business enterprise, the District Payroll Department will communicate these changes to the Human Resources Department.

If outside employment/business enterprise is authorized, the FCSS assumes no responsibility, risk or liability for outside employment. The FCSS shall not provide worker's compensation coverage for injuries occurring from or arising out of the secondary employment/business enterprise.

Adopted: 03/01/2007

Amended: 06/23/2009; 05/20/2014; 09/28/2022; 07/24/2024

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

CSBA

4136/4236/4336