



3002

Outside Employment, Copyright and Royalties

Policy 3002

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Revision Dates:

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I. PURPOSE

The public is due that propriety and dedication of service of the district's employees that fosters confidence in the delivery of services and advancement of district goals that they have a right to expect. Individual employees have the right during their non-duty hours to such employment as does not conflict with the interests of the district or appears to conflict with the interests of the district. The purpose of this policy is to balance these two rights in favor of the public purpose of the district.

II. GENERAL STATEMENT OF POLICY

- A. District employees, whether salaried or hourly, shall not accept employment, enter into a contract with another, or pursue a self-employment business interest that:
1. Interferes with the proper execution of his or her employment with the district; or
 2. Creates or appears to create a conflict of interest that would materially impair the ability of the employee to serve the district.
- B. District employees, whether salaried or hourly, shall not accept employment, enter into a contract with another or pursue a self-employment business interest to:
1. participate as an employee, principal or manager on a pending or existing district contract if the employee was involved in the negotiation, development, awarding, or management of that contract.
 2. participate in the negotiation or development on behalf of the outside employer of a pending contract with the District.
- C. District employees, whether salaried or hourly, shall not accept employment, enter into a contract with another, or pursue a self-employment business interest to provide services that would bring the district into disrepute.
- D. Employees accepting outside employment are required to inform their immediate supervisor of the employment including the name of the employer, the type of work to be done, and the expected hours of employment.



- E. Subject to the above, hourly employees may accept outside employment limited to the employee's non-duty hours. Hourly employees may accept employment, enter into a contract with another or pursue a self-employment business interest during the employee's approved vacations, earned compensatory time or non-duty release days but not during a medical leave from employment with the district.
- F. Subject to the above, salaried employees may accept outside employment, enter into a contract with another, or pursue a self-employment business interest scheduled outside of the employee's regularly scheduled work hours with the knowledge and consent of their supervisor, however
1. outside employment may not be allowed to conflict with the scheduled and unscheduled time demands of the individual's district employment;
 2. effect of the outside employment on the ability of the employee to perform their duties to the District shall be monitored, and adverse effects on the district employment may lead to withdrawal of permission for outside employment.
- G. Employees who accept outside employment, enter into a contract with another, or pursue a self-employment business interest may not employ any district resource in the pursuit of that employment, contract or business interest. District resources include, but are not limited to:
1. Use of the district internet access, or computers;
 2. Use of district telephones, whether stationary or mobile;
 3. Use of copying, faxing or scanning machines;
 4. Use of office supplies or equipment
 5. Use of a district issued email address;
 6. Use of district-created list-serves, distribution lists, or directories;
 7. Use of district mailboxes or mailing services;
 8. Use of district facilities, except as under an appropriately requested and granted permit under the community use of facilities program;
 9. Use of district vehicles, except under a negotiated contract for their use;
 10. Use of the District brand, or that of any of its schools, facilities or programs;
 11. Use of any intellectual property developed while an employee of the district unless specific written permission is granted by the Superintendent or Superintendent's designee.
- H. Work assignments and schedules will not be changed to accommodate outside employment.



- I. Employees shall not share, use or reveal private, non-public information or proprietary materials, techniques learned while a district employee with any other employer, contractor or in their self-employed business interest.

III. COPYRIGHT AND ROYALTIES

- A. The district claims copyright on any and all intellectual property created or developed by the employee that pertains to his or her employment with the district unless the employee and the Superintendent or Superintendent's designee enter into a written agreement granting copyright of the material to the employee, or to the employee and the district jointly.
- B. Any royalties or other benefits accrued based on intellectual property work done while an employee of the district shall be the property of the district unless royalties are assigned to the employee or to the district and the employee in shares according to a written agreement between the Superintendent or Superintendent's designee and the employee.

IV. RESPONSIBILITY

- A. This policy applies to all employees of the district whether full or part time, seasonal or year-round, salaried or hourly.
- B. District principals and other managers are responsible for monitoring the outside employment affects on the employee's job performance. If the employee's job performance is adversely affected, the principal or manager will take appropriate disciplinary action including but not limited to, counseling, warning, or requiring the employee to choose one job or the other.
- C. Failure to disclose outside employment or failure to follow this policy may result in discipline of the employee up to and including termination.
- D. Questions regarding the compatibility of outside employment with the district employment shall be referred to the Office of the General Counsel, which shall make the final determination of compatibility.
- E. The Superintendent is authorized to promulgate regulations to implement this policy.

Cross References:

MPS Policy 3000 (Conflicts of Interest and Fiduciary Duty)

