



## **Incompatible Activities**

### **Intent of Policy**

The purpose of this policy is to provide notice that Board Members and Encore employees are prohibited from engaging in specified activities as those activities are incompatible or otherwise conflict with their duties as officers and employees of Encore.

### **Prohibited Activities**

Encore Board Members and Encore employees are prohibited from engaging in the following activities:

1. Any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a Board Member or Encore employee;
2. Any employment, activity, or enterprise for compensation which is inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of Encore.
3. Unless the CEO / Board has provided prior approval to an Encore employee, any work, service, or counsel for compensation outside of Encore 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.

### **Incompatible Outside Activities of Encore Employees**

The CEO shall determine, subject to Board approval, those outside activities of the Encore employees which are inconsistent with, incompatible to, or in conflict with their duties as an Encore employee.

An Encore employee's outside employment, activity, or enterprise may be prohibited if it:

1. Involves the use for private gain or advantage of using Encore time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence from his/her employment with Encore;
2. Involves receipt or acceptance by the Encore employee of any money or other consideration from anyone other than Encore for the performance of an act which the Encore employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her employment with Encore or as a part of his or her duties as an Encore employee;



3. Involves the performance of an act in other than his or her capacity as an Encore employee which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any Encore employee or the Encore Board; or
4. Involves time demands as would render performance of his or her duties as an Encore employee less efficient.

### **Notice To Employees That They May Be Disciplined for Violating this Policy**

All employees shall be provided with written notice that engaging in any of the prohibited activities listed above, may subject them to disciplinary action by Encore. If it is determined that an employee has engaged in prohibited activities, the employee will be informed of Encore's determination and of the disciplinary action to be taken by Encore. Whenever Encore determines that an employee has engaged in prohibited activities, the employee shall be given the opportunity to appeal Encore's determination. (Gov. Code § 1126.)

### **Solicitation of Students**

During school hours, and within one hour before and after the end of the school day, Encore students shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under Encore.

This section does not prohibit students from being solicited for charitable purposes as follows:

1. The solicitation is by an organization that is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress or under the laws of the state;
2. The purpose of the solicitation is nonpartisan and charitable; and
3. The solicitation has been approved by the Encore Board.

### **Solicitations on Behalf of Encore**

No person shall solicit any other person to contribute to any fund or to purchase any item of personal property, upon the representation that the money received is to be used wholly or in part for the benefit of either Encore or the students of Encore, unless such person obtains the prior written approval of the Encore Board or its designee.

This section does not prohibit any solicitation or contribution, the total proceeds of which are delivered to Encore, nor to a solicitation of a transfer to be affected by a testamentary act. (Gov. Code § 1126; Ed. Code §§ 51520, 51521.)