

## Code No. 401.2 EMPLOYEE CONFLICT OF INTEREST

Employees' use of their position with the schooldistrict for financial gain is considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct the solicitations within the conditions set by the superintendent. Further, the superintendent may, upon five days notice, require the employee to cease such solicitations as a condition of continued employment.

An employee shall not act as an agent or dealer for the sale of textbooks or other school supplies. An employee shall not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or to parents. An employee shall not engage in outside work or activities where the source of information concerning the customer, client or employer originates from information obtained because of the employee's position in the school district.

It shall also be a conflict of interest for an employee to engage in any outside employment or activity, which is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest shall be deemed to exist shall include, but not be limited to, any of the following:

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge,

uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.

- (2) The outside employment or activity involves the receipt of, promise of, or acceptance of money or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours that the employee performs service or work for the school district.

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- (3) The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

If the outside employment or activity is in (1) or (2) above, the employee must cease the employment or activity. If the activity or employment falls under (3), then the employee must:

1. cease the outside employment or activity; or
2. publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a

benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

3. When procurement is supported by Federal Child Nutrition funds, employees will not participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest in the contract.

Contract, for purposes of this paragraph, includes a contract where the employee, employee's immediate family, partner, or a non-school district employer of these individuals is a party to the contract.

It shall be the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

Legal Reference: 7 C.F.R. 3016.36(3)  
Iowa Code §§ 20.7; 68B; 279.8; 301.28 (2011).

Cross Reference: 203 Board of Directors' Conflict of Interest  
402.4 Gifts to Employees  
402.7 Employee Outside Employment  
404 Employee Conduct and Appearance

More than one family member may be an employee of the school district. The employment by the board of more than one individual in a family shall be on the basis of their qualifications, credentials and records.

One family member shall not supervise another family member without the expressed written consent of the Superintendent.

Legal Reference: Iowa Code §§ 20; 71; 277.27; 279.8 (2011).

Cross Reference: 405.2 Licensed Employee Qualifications, Recruitment  
Selection

411.2 Classified Employee Qualifications, Recruitment

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Code No. 401.3 NEPOTISM

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