

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ABA-RB, BBB, GAA, GGA-RA
Responsible Office: Chief Operating Officer
Teaching, Learning, and Programs
School Support and Improvement

Employee Conflict of Interest

I. PURPOSE

To describe areas, in addition to those addressed in Montgomery County Board of Education (Board) Policy BBB, *Ethics*, that constitute a conflict of interest; to advise employees on how to avoid such situations; and to specify the action taken if the regulation is violated

II. GUIDELINES FOR AVOIDING CONFLICT OF INTEREST

Each employee is expected to be knowledgeable about this regulation and Board Policy BBB, *Ethics*, and to assume responsibility for ensuring that his/her individual behavior and activities are consistent with the policy of the Board and do not constitute a conflict of interest. For instances not specifically covered by this regulation or if there is a question of interpretation, a request for guidance should be made to the chief operating officer or, if covered by Board Policy BBB, *Ethics*, to the ethics officer.

A. Employment

1. Outside Employment/Employment Outside the Duty Day

- a) General - It is recognized that certain time requirements in addition to the normal work day may be made upon all professional personnel to fulfill job responsibilities. These requirements take priority at all times.

Outside employment that occurs during hours not required to fulfill Montgomery County Public Schools (MCPS) responsibilities and does not violate this regulation or Board Policy BBB, *Ethics*, does not constitute a conflict of interest.

- b) School-related - MCPS employees shall not accept payment from an organization other than the Board to conduct school-related activities, for which parents must pay a fee, for students who are, or might reasonably be expected to attend the employee's assigned school(s), unless paid at the same rate as that applicable to stipends. This includes, but is not limited to, drama, dance, or music classes or performances.
- c) Non-school related - MCPS employees may not engage in instruction of students who attend the school(s) to which the employee is assigned when the activity is not school-related, takes place before or after school at the school(s) to which the employee is assigned, and for which the parents must pay a fee.

2. Employment While on Leave

An employee who is on leave from MCPS, in a paid or unpaid status, may not be employed by MCPS in any capacity during the period of leave except with the written authorization of the chief operating officer.

3. Tutoring and Summer Camps

a) Tutoring

Tutoring is additional, special, or remedial instruction that occurs outside the regular school day for payment. (See also MCPS Regulation ABA-RB, *School Visitors*)

Tutoring must occur outside of the employee's hours of duty

- (i) MCPS employees who wish to provide tutoring services on MCPS property must comply with MCPS Regulation KGA-RA, *Community Use of Public Schools*.
- (ii) An MCPS employee may not tutor students whom he or she currently is teaching.
- (iii) MCPS employees may tutor only those students who attend a school other than the school at which the employee works, except: during the summer in programs for children with disabilities in which the number of specialized staff members are few, when a written request from parents/guardians for such summer tutoring is approved by

the associate superintendent within the Office of School Support and Improvement/designee, the associate superintendent for special education and student services/designee, and the principal.

b) Summer Camps and Before- or After-school Activities

- (i) School-sponsored summer camps and before- or after-school activities

Employees must follow the *Guidelines for Montgomery County Public Schools Conducting Summer Camps/Programs/Activities and applicable sections of the MCPS Athletic Handbook and Maryland Public Secondary Schools Athletic Association Handbook.*

- (ii) Non-school sponsored summer camps and before- or after-school activities:

(a) Employees must apply through Community Use of Public Facilities for use of a school facility or school grounds.

(b) Employees may not use school equipment and supplies except to the extent that all community use of public facilities users are allowed to do so.

(c) Employees may not teach at any sports camp or skills building camp, or before- or after-school activities, students who are attending or will attend the school where that employee teaches, coaches a team in the same sport or participates in the selection of student members of any competitively selected group.

B. Supervision of Persons With Whom Employee Has a Relationship

1. Employees With A Supervisory Role

An MCPS employee in a supervisory or leadership position may not directly supervise a spouse, relative,¹ in-law, or any employee with whom he/she has an intimate relationship. This also includes vendors or contractors. Direct supervision is defined as responsibility for directing or

¹ A relative includes those related by marriage and step-relatives as well as blood relatives.

overseeing the daily activities of an employee, evaluating the employee, or conducting observations that would lead to an evaluation. MCPS supervisors, administrators, or designated leaders who find themselves in a conflict of interest by being responsible for directing or supervising a spouse, relative, in-law, or employee with whom the supervisor has an intimate relationship, must inform their direct supervisor, who in turn must notify the director of performance evaluation, in the Office of Human Resources and Development. Action will then be taken by the appropriate executive staff member to ensure that supervisory responsibilities for the employee are reassigned to another supervisor, or, one of the employees may be reassigned as the needs of the school or office requires.

2. Children of Employees in School

When a child attends a school where a parent or relative serves as a staff member:

- a. The child should be attending that school only if the child's bona fide residence is within the school boundaries, the child has an approved Change of School Assignment (COSA), or non-residency attendance has been approved and tuition paid or waived. Approval of such requests will move forward only if other options do not exist and it is determined by the supervisor that no conflict of interest exists.
- b. Whenever possible, decision making or professional input about the child will be deferred to the supervisor of the employee in order to avoid any actual or perceived conflict between the employee's role as parent and the employee's job responsibilities.
- c. The child should not be assigned to the parent's or relative's classroom unless no other options exist. If no other options exist, a plan for the child will be developed with the employee, his or her supervisor, and school administrator.

C. Development of Materials

Supplies, Equipment, or Materials Created by an Employee

1. Procurement by MCPS

Supplies, equipment, or materials created by an employee wholly independently from his or her employment with MCPS; unconnected to

his or her job responsibilities; and without use of MCPS resources, time, or materials; may be purchased by MCPS on the same basis as any other item. Employee-created supplies, equipment, or materials must be selected and approved for procurement in compliance with Board Policy BBB, *Ethics*, and all other established procedures. The fact that the item was created by a current or former employee shall not be considered for or against its selection.

2. Property of MCPS

Supplies, equipment, or materials created alone by an employee of MCPS, or created in association with other employees, for which time, facilities, materials, or resources of MCPS have been used or which were created as part of the employee's job responsibilities, are the property of MCPS. In a situation in which the activity is partially private and partially public, specific arrangements must be approved in advance by the chief operating officer.

D. Use of Persons, Money, or Property for Private Gain

MCPS employees shall not use any person, money, or property under the employee's official control or direction, or in his or her official custody, for the private benefit or gain of the employee or his/her family, except under the following limited circumstances:

1. Employees may make occasional or limited use of MCPS equipment or facilities for their personal benefit if:
 - a) the cost of the use to MCPS is negligible
 - b) the use does not interfere with the employee's official duties or with another employee's performance of official duties
 - c) the use does not conflict with any other Board policy or MCPS regulation.
2. Absent prior agreement, MCPS vehicles should be used while on MCPS business only. Other MCPS equipment that may be used for MCPS business only include machine tools, cleaning and painting equipment, and any other items that would wear out with use.

III. VIOLATION

An alleged violation of this regulation is cause for an immediate investigation by the chief operating officer and/or deputy superintendents. If it is determined that an employee has violated this regulation, the employee may be disciplined, including reprimand, suspension, or termination, in accordance with applicable laws and MCPS regulations.

Regulation History: Formerly Regulation No. 490–1, December 29, 1978 (directory information updated); revised November 16, 2000; revised April 9, 2002; revised April 17, 2013.