



Work Outside of Work

Contract Restrictions on Side Jobs

By Sean DeVetter, PAGE Staff Attorney

A potentially troublesome area of school law concerns employment that takes place outside of an educator's contract. Many educators seek outside employment during the school year and during summer months. While outside work may be a great way to earn extra money and/or explore other interests, educators need to be aware of potential conflicts with their teaching contracts, the Code of Ethics for Educators and school system policies.

TEACHING CONTRACTS

Most teaching contracts contain clauses certifying that the educator is not under contract with another school system and will not take on employment outside the teaching contract that interferes with the duties of the contract. Responsibility lies with the educator to ensure these conflicts do not exist or develop. Failure to abide by the terms of the contract may result in termination of the contract and possibly a referral to the Professional Standards Commission.

THE CODE OF ETHICS FOR EDUCATORS

Georgia educators engaging in outside employment risk violating Standard 5 (Public Funds and Property) and Standard 6 (Remunerative Conduct) of the Code of Ethics for Educators.

To avoid conflict with Standard 5, educators should steer clear of using school property (paper, copiers, computers, etc.) when performing work or duties that are not expressly school related. Educators determined to have used school property for outside businesses will be deemed in violation of Standard 5.

To avoid conflict with Standard 6, educators cannot financially benefit

from students or their parents. Common examples include private tutoring or summer camp jobs. If the Professional Standards Commission investigates such an allegation, they will look to see if payment, or lack thereof, could lead to undue influence on a student or parent. In other words, does the student or parent think that the student's grades or situation at school could either improve by paying an educator or worsen by failing to provide compensation to an educator? Educators usually avoid violation of Standard 6 if activities they perform for compensation outside of their contract are authorized by the local system.

LOCAL POLICY

Before engaging in outside employment, know your local school policy. Some systems prohibit educators from accepting any form of compensation from any student in the system. More commonly, school systems do not allow educators to accept compensation from any student in their building. Many systems have policies that apply during the school year but change in the summer.

Most school systems are well aware that employees have outside jobs, and systems usually encourage such employment. Outside jobs often supplement educator salaries, allow educators to explore outside interests and often result in recognition of the educator and school system. If you have any concerns about your outside employment, talk to your administrator. When in doubt, avoid performing services for compensation for your students (and for students soon to be in your class) and their parents. As always, with this or any other legal question, be sure to call the PAGE Legal Department. ■