

Regulation GBEA

Las Cruces Public Schools

Related Entries: GBEA
Responsible Office: Assistant Superintendent of Finance

EMPLOYEE CONFLICT OF INTEREST

I. PURPOSE

To implement the policy that prohibits school district employees from engaging in or having financial interest in any activity that conflicts or raises a reasonable question of conflict with his or her duties and responsibilities.

II. BACKGROUND

Every LCPS employee is expected to be knowledgeable about this regulation and to assume the responsibility to ensure that his/her individual behavior and activities are consistent with the policy of the Board of Education and not susceptible to conflict of interest in areas such as those outlined below.

III. PROCESS

A. Employees Doing Business with Las Cruces Public Schools

1. PROHIBITION.

- a. All employees of the school district and their family members are subject to state statute and LCPS Board of Education policy which prohibits them from conducting personal business with the school district.
- b. Employees should review 13.1.190 of the New Mexico Procurement Code and School Board Policy, Section 547.

2. EXCEPTIONS.

- a. To maximize school districts' opportunities to obtain those goods and services which would benefit them most, New Mexico statute allows local school boards to, in certain circumstances, waive the prohibition against school district employees or their family members doing business with the school district. See LCPS Form GBEA-E1: Sample Letters, and GBEA-E2: Request for Waiver.
- b. In granting such a waiver, the LCPS Board of Education must follow specific guidelines established by the state of New Mexico. The Board of Education must use three specific issues as the basis for granting such a waiver. The three issues are:
 - i. What is the employee's financial interest with the business?

- ii. How can it be assured that the employee is not going to be given any bias or favoritism while conducting business with the school district?
- iii. How are the best interests of the school district met by approving a waiver for the employee?
- c. Requests for waiver must be submitted to the Superintendent of Schools for his/her consideration. If the Superintendent deems it appropriate, the request for waiver will be placed on the agenda of an upcoming LCPS Board of Education meeting. The Board of Education, by majority vote during a regular, public meeting, shall determine if the waiver will or will not be granted.
- d. Any LCPS employee who is successful in obtaining a waiver from the Board of Education must follow strict procedures in conducting business at school sites. No person, including employees, shall solicit sales of goods, merchandise or services to school employees during employee work hours on school property except as authorized by a building or central office administrator. Soliciting and selling on school property shall be only for purposes of school business or board authorized employee benefit programs.
- e. The provisions of this policy and regulation shall not apply to any school district employee who is making a sale in the regular course of the employee's business when the sale complies with all applicable provisions of the law.
- f. In those instances not specifically covered by this regulation, or about which there is a question of interpretation, a request, in writing, may be made to the Superintendent of Schools or his/her designee for an interpretation or ruling.

B. Other Employment

- 1. Employees may, during the hours not required of them to fulfill appropriate assigned duties, engage in other employment providing such employment does not violate any pertinent section of this regulation. It is recognized that certain time requirements in addition to the normal work day will from time to time be made upon all professional personnel. These requirements, related to the individual's regular assignment with the school system, take priority at all times.
- 2. An employee who is on leave from LCPS, in a paid or unpaid status, may not be employed by LCPS in any capacity during the period of leave except with the written authorization of the Superintendent of Schools or his/her designee.

C. Endorsements

- 1. By virtue of an employee's position with, or through knowledge or skill gained from the school system, an employee shall neither endorse nor recommend:

- a. A business firm or an individual for services they might render
- b. A specific product
2. As a part of officially assigned duties, staff may provide references on employees or services and items furnished LCPS.

D. Sales to Other Employees, Students

No person, including school district employees, shall solicit sales of goods, merchandise or services to school employees or students during school or employee work hours on school property except as authorized by a building or central office administrator. Soliciting and selling on school property shall be only for purposes of school business or board authorized employee benefit programs.

E. Use of LCPS Movable Property

All LCPS movable property (including supplies, equipment, and motor vehicles) shall be used by employees for LCPS purposes only.

F. Supplies, Equipment, or Materials Produced by an Employee

1. Procurement by LCPS

Supplies, equipment, or materials produced by an employee of the school district during or prior to employment by LCPS, except as stated in item 2 below, may be purchased by Las Cruces Public Schools on the same basis as any other item, provided the employee-produced supplies, equipment, or materials are selected and approved for procurement in compliance with established procedure. The fact that the item was produced by said employee shall not be considered for or against its selection.

2. Property of LCPS

Supplies, equipment, or instructional materials produced alone by an employee of LCPS, or produced in association with other such employees, for which substantial time, facilities, or materials of LCPS have in any way been used, shall become the property of the school district. In a situation where the activity is performed partially on private and partially on public time, the specific arrangement will be approved in advance by the Superintendent of Schools or his/her designee.

G. Penalties

Any alleged violation of Policy or Regulation GBEA: Employee Conflict of Interest, shall be reported immediately to the LCPS Director of Purchasing, who shall initiate a full investigation and report his/her findings to the Superintendent of Schools or his/her designee. If the Superintendent determines that an employee has violated said policy and/or regulation, the employee may be suspended and/or terminated in accordance with LCPS policy.

H. Additional Information

For questions or additional information about this regulation, contact the LCPS Purchasing Department at 575.527.5846.



Associate Superintendent for Operations

June 28, 2011

Date Approved

History: Formerly Procedure 240, Revised 11.22.95, 10.17.00, 9.18.01, 06.21.11; responsible office changed from Associate Superintendent for Operations to Assistant Superintendent of Finance: 01.04.12

Legal reference: 13.1.190-196, NMAC 1978