

GUIDELINES FOR POLITICAL ACTIVITY

These are guidelines for political activity that apply to those individuals who are employees of agencies under the Governor's jurisdiction and to officials appointed by the Governor.

What Everyone Can Do

What No One Can Do

What No One Whose Principal Employment is in Connection with an Activity Financed in Whole or in part by Federal Funds Can Do

What No Civil Service-covered Employee Can Do

What Senior Level Executive Branch Employees Should Not Do

When Prior Approval is Required

What Everyone Can Do:

- Vote!
- Give personal funds to the person or party of your choice (if not otherwise improper, such as exerting undue or improper influence, etc.)
- Put a bumper sticker on your personal vehicle, but not on a Commonwealth vehicle
- Express your views as a private citizen in a private setting. Also, Civil Service-covered employees are allowed to express an opinion as an individual privately and publicly on political subjects and candidates.
- Sign a petition to get a candidate on a ballot or other political petition.
- Wear buttons & similar expressions of opinion when not on duty and not in the workplace.
- Place a sign in your yard.

In addition (except for Civil Service-covered employees), during non-work time, everyone may engage in volunteer political activities (which are not of such an extent that they become non-compensated employment) and may attend political events; persons may do so without obtaining any prior approval by the employee's agency, unless the head of the employee's Agency has established a policy to require approval of certain volunteer political activities, to assure that they do not present a conflict of interest with the employee's regular job duties or the mission of the Agency.

What No One Can Do¹:

- Participate in political activity (such as campaigning, fundraising, canvassing or poll watching) during work hours.
- Coerce any other Commonwealth employee to contribute time, money, or services to a political candidate or campaign.
- Participate in political activity that requires approval, without first obtaining the necessary approval (see "When Prior Approval Is Required", page 4).

In addition, the Governor's Code of Conduct, Executive Order 1980 – 18, as amended by Executive Branch Employee Gift Ban, Executive Order 2015-1, prohibits the acceptance of gifts (which includes, for example, tickets to political events or fundraisers), gratuities, favors, entertainment, loans, etc., from anyone who: 1) wants or has business with the Commonwealth; 2) is regulated by the Commonwealth; 3) is involved in proceedings before the Commonwealth or has filed a lawsuit against the Commonwealth; or 4) has interests that are substantially affected by the employee's performance or nonperformance of his or her job duties. Exceptions are gifts from close family and friends under circumstances that make it clear the gift is because of the personal relationship; the acceptance of a loan on customary terms; and participation in widely attended gatherings free of charge to which employees have been invited in furtherance of their official duties at which any food or beverage consumed must be paid for by the employee.

What No One Whose Principal Employment is in Connection with an Activity Financed in Whole or in part by Federal Funds Can Do²:

Employees covered by the federal Hatch Act, 5 U.S.C. §§ 1501 *et seq.*, as amended by the Hatch Act Modernization Act of 2012, are subject to the following restrictions. An employee:

- Cannot be a candidate for elective office if the employee's salary is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency.
- Shall not use official authority or influence for purpose of interfering with or affecting the result of an election or nomination for office.
- Shall not, directly or indirectly, coerce, attempt to coerce, command, or advise another "covered" employee (who also works in connection with a federally funded program) to lend, pay or contribute anything of value to a political party or candidate.

What No Civil Service-covered Employee Can Do³:

Civil Service-covered employees cannot participate in the following political activities *unless* furloughed, on leave without pay, or serving in an appointed or elected office, which began while on leave or furlough).

¹ There are penalties under the Governor's Code of Conduct for violation of these rules. See Executive Order 1980-18, as revised and amended, and Executive Order 2015-01.

² There are penalties under the Hatch Act, 5 U.S.C. §§ 1501 *et seq.*, for violation of these rules.

³ There are penalties under the Civil Service Act for violation of these rules. See 71 P.S. §741.905b.

- Engage in almost any political campaign activity, other than making monetary contributions (Certain permissible activities are listed on page 1, above.)
- Engage in any of the political activities prohibited by the State Civil Service Act (see the State Civil Service Commission (SCSC) Enclosure 1 to Management Directive 580.25, pamphlet entitled "Do's and Don'ts – Political Activity for Classified Service Employees," or the SCSC website, for a detailed list of [activity guidelines for civil service employees](#))

What Senior Level Executive Branch Employees Should Not Do:

No political activity should be undertaken by a Senior Level Executive Branch Employee without first obtaining guidance from the General Counsel.

When Prior Approval for Political Activity is Required:

As noted above, in "What Everyone Can Do" on Page 1, certain Agencies may have adopted Agency specific requirements for approval of volunteer political activity. Human Resources Delivery Center Managers should be contacted for information regarding the procedures for obtaining approval in such cases.

In addition, **prior approval of political activity, even during non-work hours, is required in any of the following cases:**

- 1) the employee is in a civil service-covered position, or
- 2) the political activity
 - a. involves running for office or as a delegate,
 - b. requires the use of leave,
 - c. involves compensation or remuneration, and/or
 - d. is of such consistency and duration that it constitutes supplemental employment, whether or not compensated.

Approval is obtained by submitting a request for approval of political activity using the Supplementary Employment Request Form through Employee Self-Service (ESS). The request is reviewed by the agency, including the Agency Office of Chief Counsel and Agency Head; the agency recommendation is further reviewed by the Office of Administration. The review of the request considers whether the political activity conflicts or interferes with an employee's ability to effectively and efficiently carry out the duties and functions of his or her position. Factors that may be considered include: the time involved, the nature of the relationship between the proposed activity and the Commonwealth position held, or whether winning an election position might require resignation. However, the political party for which the requested activity is being performed is never to be a factor in deciding a request.

Employees as Candidates for Public Office

It is imperative that a Commonwealth employee seeking to run for part-time or full-time elective office follow the guidelines referenced above, and obtain prior approval to engage in political activity as a candidate **before** engaging in any activity as a candidate, including announcing his or her candidacy. Requests for approval to run for office must include simultaneous submission of both a request to campaign for office and a request to serve in the elected office. Employees will not be permitted to remain employed while running for full-

time public office. Additionally, employees are prohibited from engaging in any activity that would be a real or apparent conflict of interest or impair the trust and confidence of the public in the employee's ability to carry out his or her Commonwealth duties. Under no circumstances shall an employee use Commonwealth equipment, information or supplies or engage in any political activity while on official business for the Commonwealth.

QUESTIONS? Refer questions regarding the Federal Hatch Act to the U.S. Merit Systems Protection Board by telephone at 202-653-7200 or by email at mspb@mspb.gov. For any other questions, each employee should contact his or her Agency's Human Resources Delivery Center.