



RULES OF THE STATE PERSONNEL BOARD

478-1-.08 Political Activity

(1) Introduction:

- (a) Employees engaging in political activity are responsible for complying with the provisions within this Rule, applicable laws, and their agency policy. Employees who are uncertain whether political activity is permissible are expected to seek guidance from their agency ethics officer or other designated official.
- (b) Typically, employees may engage in political activity as private citizens that does not:
 - 1. Conflict with their employment or take place during work time or on work premises;
 - 2. Disrupt their work environment or otherwise negatively affect business operations;
 - 3. Coerce or appear to coerce the political action of other employees, contractors, vendors, or customers; or,
 - 4. Create the perception that the employee's personal political views or actions are representative of the State.

(2) Applicability:

The policies and procedures within this Rule apply to all agencies of the executive branch, local departments of public health, and community service boards, but do not apply to authorities, public corporations, and the Board of Regents of the University System of Georgia.

(3) Definitions:

- (a) "Political activity" means activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.
- (b) "Recall application or petition" means an application or petition to remove a public official from elective office.
- (b) "Work time" means time an employee is scheduled to work, but does not include time during which an employee is using leave or compensatory time.

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(4) Candidacy and Holding Office:

(a) Candidacy for Office:

1. An employee wishing to campaign for any elective office must consult with the employing agency and notify the agency ethics officer before announcing and/or qualifying for the office.
2. An employee may campaign for elective office if doing so does not conflict with the performance of the employee's official duties and is not otherwise prohibited by law.
3. An agency, by written policy, may require an employee campaigning for office to be placed on a leave of absence without pay upon determination that candidacy conflicts with current employment.
4. Candidacy for federal, state, county, or municipal office will be established when an employee files a notice of candidacy with the Georgia Secretary of State's Office. Candidacy for office in a political party or organization will be established upon official public announcement of candidacy.
5. Any employee whose salary is entirely federally funded is covered by the Hatch Act and is prohibited from being a candidate for public elective office in a partisan election.
 - i. This prohibition applies to candidacy for both part-time and full-time offices.
 - ii. This prohibition does not apply to the Governor, Lieutenant Governor, duly elected agency heads, or other elected officials.

(b) Holding Office:

1. Any employee who is elected or is appointed to full-time office or other office that conflicts with current employment must resign or forfeit employment upon assuming office.

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2. Executive branch employees are not permitted to simultaneously hold office or employment in the legislative or judicial branches of state government except that an employee may be temporarily employed with the legislative branch during the legislative session provided that the employee is on an authorized leave of absence without pay.

(5) Prohibited Political Activities:

Employees are prohibited from engaging in the following political activities:

- (a) Conducting political activities of any nature during work time or on work premises and/or using state property or resources to do so;
- (b) Soliciting other employees for any political purpose, whether or not during work hours or on work premises;
- (c) Coercing other employees, contractors, vendors, or customers to pay, lend, or contribute items of value for political purposes;
- (d) Soliciting or knowingly accepting any campaign contributions in a state building or office except when the space is rented for the specific purpose of holding a campaign fundraiser;
- (e) Holding or being a candidate for political office that conflicts with current employment (see Section (4) of this Rule);
- (f) Seeking, using, or attempting to use any coercive political pressure to secure for themselves or any other person an appointment, promotion, salary increase, or any other employment advantage;
- (g) Using or promising to use any official authority to influence or coerce the political action of any other person (including other employees, contractors, vendors, or customers), or to affect the results of a nomination, campaign, or election for office;
- (h) Representing that a personal endorsement of or opposition to a political candidate is the official position of the State or a state agency;
- (i) Circulating a recall application or petition by any means, including email or social media; or,

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- (j) Receiving state-paid transportation mileage while transporting any political campaign literature or matter, soliciting votes, or transporting any person soliciting votes in any election.

(6) Consequences for Prohibited or Conflicting Political Activity:

- (a) Any applicant or employee who seeks, uses, or attempts to use any coercive political pressure to secure an advantage in-employment will be subject to appropriate action up to and including denial or termination of employment.
- (b) Any employee who is elected or appointed to full-time office or other office that conflicts with current employment must resign or forfeit employment upon assuming office.
- (c) Any employee whose employment is entirely federally funded must resign from or forfeit such employment upon becoming a candidate for any elective office.
- (d) Any employee who engages in prohibited political activity will be subject to appropriate action, up to and including termination of employment. Such termination of employment will be considered a voluntary forfeiture of employment under Rule 478-1-.15, *Changes to Employment Status* and Rule 478-1-.28, *Voluntary Separation for Classified Employees*.

(7) Non-discrimination and Anti-Retaliation:

- (a) The State will not discriminate for or against any person or employee in any employment matter because of political affiliation.
- (b) Retaliating against any employee, contractor, vendor, or customer for engaging in permissible political activity is prohibited.

Authority:

O.C.G.A. §§ 45-20-3, 45-20-3.1, 45-20-4 (duties and functions of the State Personnel Board and Department of Administrative Services related to the Rules of the State Personnel Board)

State Law References:

O.C.G.A. § 16-10-9 (prohibiting employment in more than one branch of government)
O.C.G.A. § 21-4-10 (prohibiting the circulation of recall application or petition by state employees)

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O.C.G.A. §35-2-12 (prohibiting employees of the Department of Public Safety from contributing to political campaigns)

O.C.G.A. § 42-9-15 (prohibiting members and employees of the Pardons and Paroles Board from holding public office; serving as a representative of a political party, committee, or organization; or, soliciting votes for a candidate for public office)

O.C.G.A. § 45-10-1 (code of ethics prohibiting state employees from making promises binding on the duties of office)

O.C.G.A. § 45-10-70 (may not prohibit non-elective officers or employees of State from campaigning or holding elective or appointive office of a political subdivision of the State if it is not full-time and does not conflict with official state duties)

O.C.G.A. § 45-11-10 (employees of State may not coerce or attempt to coerce other state officers or employees to make political contributions)

O.C.G.A. § 50-19-8 (prohibiting the transportation of campaign literature or persons soliciting votes when State is paying mileage)

Federal Law References:

5 U.S.C. § 1502, et. seq. (Hatch Act)

Other References:

Executive Order Establishing Code of Ethics for Executive Branch of State Government