



## OFFICE OF THE CITY ATTORNEY

### Political Activity by City Employees

As we near the November 4, 2008 general election, it is an appropriate time to review the rules applicable to City employees and their involvement in political campaigns.

#### **EMPLOYEES MAY PARTICIPATE IN CAMPAIGNS IF THEY WISH.**

If they wish, City employees are permitted to participate in campaigns for, or against, people running for federal, state or local office or for, or against, a proposition to be on a ballot. However, nobody can force a City employee to support or oppose a candidate for office, whether by voting for a candidate, donating money, volunteering as a campaign worker or through any other action. No employee can receive a benefit or suffer a detriment because the employee lawfully participated in a campaign or chose to not be involved in a campaign.

City employees who make the choice to participate in a political campaign also must make appropriate efforts when necessary to clarify that their participation in a political campaign is being done in their personal capacity and not in their capacity as a City employee.

#### **THERE ARE LIMITATIONS ON EMPLOYEE POLITICAL ACTIVITY.**

There are, however, limitations on a City employee's political activity. These limitations exist to assure that City employees are not engaged in campaign activities while being paid by the City and that City equipment, supplies and property are not being used for campaign activities.

City employees **may not**:

- Wear campaign buttons, caps, hats, shirts, or other passive displays of support for a candidate or proposition:
  - during work hours,
  - while wearing a City uniform,
  - while wearing any City badge or insignia, including a name tag, or
  - while driving or riding in a City vehicle.
- Do anything to imply that the employee is acting with the approval or disapproval of the City while participating in a campaign event or as a campaign volunteer.
- Use the City's email system, fax machines, Blackberries or telephones:
  - to solicit campaign contributions,
  - to solicit or express support for a candidate or propositions,
  - to initially send or forward information in favor of, or unfavorable to, a candidate or proposition,

## Political Activity by City Employees

---

- to extend invitations to campaign functions or organizational meetings,
- to arrange for the drop-off or pickup of yard signs or bumper stickers, or
- to express opposition to, or support for, a candidate or proposition.
- Use City copiers to duplicate campaign materials.
- Use City inter-departmental mail or postage paid by the City for the distribution of campaign literature or other materials.
- Use City computers, word processing equipment or software programs to compose, edit or store campaign literature, mailing lists, phone lists or other campaign materials.
- Distribute campaign signs or bumper stickers from City vehicles or City buildings or other facilities.
- Place campaign bumper stickers on a City vehicle.
- Place campaign signs on City property or on or within City buildings.
- Solicit employees or other persons while working to support or oppose any candidate or proposition.
- Require an employee or other person to contribute to a campaign.

### **PERMISSIBLE POLITICAL ACTIVITY WHEN NOT AT WORK**

If a City employee is not wearing a City uniform, badge or other indications of City employment, a City employee **may** do the following if not done during City work hours and not done using City equipment, supplies or other materials:

- Wear campaign buttons, caps, hats, shirts, or other passive displays of support for a candidate.
- Display a bumper sticker or yard sign.
- Work on a campaign for a candidate or proposition.
- Attend political rallies, meetings, fund raising events, or other gatherings.
- Contribute money to a political campaign.

### **INTERFERING WITH AN EMPLOYEE'S POLITICAL DECISIONS CAN GET YOU FIRED**

As City employees, we must be careful to avoid even the appearance that the services we provide or decisions we make are affected by political considerations. Therefore, political activity like solicitation is strictly controlled on City property and personnel decisions cannot consider an employee's participation or nonparticipation in a political campaign.

Section 908 of the City Charter contains express prohibitions against political solicitation in City buildings that are not operated for use by the public. (A meeting room rented at Bartle Hall would be an example of that part of a City building operated for use by the public.) Also, the

## Political Activity by City Employees

---

Charter guarantees that an employee will be free from any benefits or detriments arising from the employee's political action or inaction. A person violating these rules is required by the Charter to be fired immediately upon discovery of the wrongdoing. There is no discretion in this matter. A citizen is allowed to bring an action in court to require the termination of a person's City employment and to prevent the City from paying the person any wages.

### **WHERE TO GO FOR ANSWERS**

If you are unsure about the political activities in which you would like to participate, you should discuss your concerns with your supervisor. In the City's Administrative Regulations, AR No. 2-03 entitled "Political Activity by Employees" provides guidance. Should there be questions that cannot be resolved within your department, the Law Department will be available to assist directors in reviewing special situations. Although questions which cannot be easily answered by your supervisors may require greater detail than an e-mail can afford, questions can also be presented to the Law Department through [law@kcmo.org](mailto:law@kcmo.org).