

Procedure: 4.3.2p5. (III.L.5)

Political Activities and Election Campaigns

Revised: March 13, 2019; March 13, 2018; July 16, 2014; March 8, 2011

Last Reviewed: March 13, 2019

Adopted: March 8, 2011



I. PURPOSE:

The Technical College System of Georgia (TCSG) and its associated technical colleges shall comply with all applicable federal and state laws, rules, and regulations as they pertain to the ability of state employees to participate in the political process. This procedure outlines the activities that are specifically prohibited by State Personnel Board Rules and also addresses those instances in which a state employee may pursue (i.e., offer for) and hold certain elective or appointive offices. All TCSG employees, regardless of their classified or unclassified status, are subject to these Rules and are, therefore, covered by the provisions of this procedure.

II. RELATED AUTHORITY:

Federal Hatch Political Activities Act (5 U.S.C.A. § 1501-1508)

Attachment: 4.3.2p1.a1. Governor Kemp's January 14, 2019 Executive Order on Ethics

O.C.G.A. § 45-10-70

State Personnel Board Rule 478-1-.07 Outside Employment

State Personnel Board Rule 478-1-.08 Political Activity

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Applicant: any individual, including current employees, who has submitted an application for a vacant position with a technical college or the System Office of the Technical College System of Georgia.

Ethics Officer: the agency official designated by the Commissioner of the Technical College System of Georgia to ensure that all TCSG employees, including technical college employees, are aware of applicable ethics laws, policies and any Executive Order issued by the Office of the Governor.

V. ATTACHMENTS:

4.3.2p5.a1. Political Activity Request Form

VI. PROCEDURE:

A. General Provisions:

1. No applicant or employee will be subject to an adverse employment action on the basis of any voluntary disclosure of his/her political opinions or affiliation(s).
NOTE: the selectee for any TCSG position will be required, as a condition of employment, to complete a State Security Questionnaire and Loyalty Oath.
2. No applicant for employment or any current employee participating in a selection process may be asked a question that is designed to elicit information as to his/her political, social or religious opinions or affiliation.
3. Any applicant for a System Office or technical college position who uses or attempts to use any coercive political pressure to secure an advantage in a selection process will be disqualified from further consideration and shall not be eligible for appointment or promotion. Additionally, any current TCSG employee who engages in these actions will be subject to disciplinary action up to and including separation from employment.
4. All TCSG employees should familiarize themselves with the provisions of this policy and are personally responsible for determining if they are eligible to pursue, accept, and/or hold an appointment to a public office, political party office, or an office with a political organization.
5. Unless certain that there are no legal or policy prohibitions to pursuing or holding elective or appointive office, an employee should seek the advice of the System Office's General Counsel or Director, Office of Human Resources, or a technical college's Human Resources Director/Coordinator before accepting an appointment to or taking action to further his/her personal candidacy for a public office, political party office, or an office of a political organization.
6. An employee whose principal employment is fully (i.e., 100%) federally-funded by loans or grants made by the United States or a federal agency is covered by the Federal Hatch Political Activities Act (5-U.S.C.A. 1501-1508) and may not:
 - a. Use his/her official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office;
 - b. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or,
 - c. Be a candidate for public elective office in a partisan election (which may include some part-time offices of local subdivisions of the State).
7. Any employee who engages in prohibited political activity will be subject to disciplinary action up to and including separation from employment.

B. Offering for and Holding Elective or Appointive Office:

1. Excluding the Commissioner, any TCSG employee may offer for and hold any elective or appointive office of a political subdivision of the state, political party, or political organization provided the office is not full-time, does not conflict with the performance of the employee's official duties, and is not otherwise prohibited by law.
2. An employee seeking to hold an elective or appointive office must submit a Political Activity Request Form (Attachment 4.3.2p5.a1.) and obtain the approval of the Commissioner or his/her technical college president or their designee before accepting a political appointment or seeking election to a public office, political party office, or an office of a political organization. NOTE: A Political

Activity Request should not be denied without the decision maker first discussing the Request with the TCSG General Counsel. Any subsequent denial will be issued without regard to age, race, color, sex, religion, national origin, disability, veteran status, genetic information, or political affiliation.

3. The Commissioner, technical college president, or his/her designee should forward a copy of the completed Political Activity Request Form to the TCSG Ethics Officer and, as applicable, the System Office or technical college Office of Human Resources for placement in the employee's personnel file.
4. An employee must resign from employment or he/she will be removed (i.e., separated) from employment if he/she becomes a candidate for any:
 - a. Full-time elective office of a political subdivision of this state or any other state;
 - b. Full-time elective state office of a political party or political organization;
 - c. Elective state office of this state or any other state; or,
 - d. Elective civil office of the federal government.
5. An employee will be considered a candidate for public office when he/she personally engages in any political meetings, canvassing, and solicitation of votes, solicitation of campaign funds, or any activity that may reasonably be construed as offering a personal candidacy for office to include payment of his/her qualifying/filing fee.

C. Prohibited Political Activities:

1. Employees are prohibited from engaging in the following political activities:

- a. Pursuant to applicable State Personnel Board Rules, executive branch employees (which includes employees of the Technical College System of Georgia and its associated technical colleges) may not hold office or be employed (in any capacity) in the legislative or judicial branches of the State of Georgia. Note: it is permissible for an employee to request an unpaid leave of absence to serve temporarily as an employee of the legislative branch while the General Assembly is in session and during any authorized "stay-over" period. Any such request must be approved, in advance, by the Commissioner or technical college president or his/her designee.
- b. Participating in any form of political activity during work hours or while in the TCSG System Office or on any technical college campus including any satellite campus or off-site work location.
- c. Soliciting other TCSG System Office or technical college employees for any political purpose at any time while in the TCSG System Office or on any technical college campus including any satellite campus or off-site work location.
- d. Retaliating against any employee for engaging in permissible political activity.
- e. Holding or being a candidate for any political office except as provided in Paragraph VI.B.1.
- f. Directing, managing, controlling, or participating in a political campaign for state office or for (any) office in the county of the employee's employing work unit, except for the employee's own campaign as outlined in Paragraph VI.B.1.
- g. Serving as a watcher, challenger, or partisan worker in any election.

- h. 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.
- i. Using or promising to use, directly or indirectly, any official authority to influence the political action/decision(s) of any other person, or to affect the results of a nomination, campaign or election to any public office, political party office, or an office of a political organization.
- j. Circulating a recall petition.
- k. Transporting any political campaign literature or matter, engaging in soliciting votes, or transporting any person or persons soliciting votes in any primary or general election while traveling in a vehicle upon which the state is paying transportation mileage.

VII. RECORD RETENTION:

A completed Political Activity Request Form shall be maintained in an employee's official personnel file with all other employment-related documents.



Political Activity Request Form

(Please refer to TCSG Procedure on Political Activity prior to completing this form)

SECTION I – TO BE COMPLETED BY EMPLOYEE

Employee Name: _____

Job Title: _____ Work Unit: _____

Please Complete if Seeking a Public (Elective) Office:

Position Sought: _____

Description of Duties: _____

When will the election or appointment take place? _____

What is the term of the Office? _____

Would the Office be: Full-time _____ or Part-time _____

Will there be any possible conflict with your TCSG position? _____

Please Complete if Seeking a Position/Office with a Political Party or Political Organization:

Name of Organization, Political Group, Committee, etc. _____

Description of position or office and duties to be performed: _____

Are you requesting permission to be a delegate to a political convention?

Yes _____ No _____ If Yes, describe potential duties _____

Will there be any possible conflict with your TCSG position?

Yes _____ NO _____ If Yes, describe the conflict _____

I understand that as an employee of the Technical College System of Georgia, I am not permitted to participate in any form of political activity that is contrary to federal or state laws, rules or regulations or, TCSG policy. Further, I acknowledge that I have read the TCSG policy on Political Activity and, to the best of my knowledge, the above stated information is accurate as it pertains to my political activity.

Employee's Signature

Date

SECTION II. For Completion by the Commissioner, Technical College President, or his/her Designee:

Is the requesting employee's principal employment connected with an activity financed in whole or in part by loans or grants from the Federal Government, including military grants/loans?

Yes _____ No _____

Would the employee's appointment or election create an actual conflict of interest or give the appearance of a conflict of interest regarding the duties and responsibilities of their current position?

Yes _____ No _____ If Yes, the rationale is as follows: _____

Request is: **Approved** _____ **Denied** _____

If denied, reason(s) for denial: _____

Signature

Date