

POLITICAL ACTIVITIES INVOLVING STATE EMPLOYEES POLICY

Division: Finance and Management
Responsible Office: Human Resources

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POLICY STATEMENT

The Governor's Office of Employee Relations issued a memorandum revisiting the State's policy regarding the need to separate political campaign activities by State employees from the conduct of official State business.

While employees are neither encouraged nor discouraged from participating in the political campaign process outside of work, they must keep their political campaign activities separate from the discharge of their duties as State employees. For the purposes of this policy, "political campaign activities" include, but is not limited to, any act, activity, or event designed to communicate a political endorsement, urge voters to vote for a particular candidate, support a political party, or raise funds for a political candidate or party.

Political campaign activities—such as campaigning, coordinating volunteers, and soliciting or receiving campaign contributions—are not within the scope of the official duties of executive branch employees and they may not conduct campaign activities on State time. Performing political campaign activities on State time may subject employees to criminal prosecution and the loss of employment.

In addition, and in furtherance of the Governor's Executive Order Number 7, all State vehicles, offices, equipment, and resources, including telephones, email system, computers, fax machines, office supplies, postage, photocopying machines, and support staff assistance, are the property of the State, and employees may not use that property for assistance with political campaign activities.

As a general matter, in this and for all other areas, State employees must pursue a course of conduct that will not raise concerns among the public that they are engaged in acts that may violate the public's trust or that may involve the misuse of State resources.

In keeping with State law and guidance from the Governor's Office of Employee Relations, State employees must not use their position to gain political favor, encourage nor discourage political contribution or activity or interfere with an election or lawful political activity. State employees may not use State resources (including SUNY letterhead, computers, e-mail and telephones) for partisan political purposes, but they have the right to make political contributions and to be active in political campaigns during nonworking hours.

Employees are also reminded that they are prohibited from engaging in the political activities stated in Section 74 of the Public Officers Law¹, Public Officers Law § 73(17), Section 107 of the Civil Service Law, and Sections 17–156 of the Election Law.

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Section 74 of the Public Officers Law states a Code of Ethics for State employees. This describes a rule regarding conflicts of interest and the responsibilities of State employees. An example of a conflict of interest under this rule is, while on duty or using State offices and/or resources, employees may not use a computer to send campaign solicitations from their email address and/or use State internet connections to forward email messages from a partisan campaign. Information on the restrictions that Section 74 places on political activities of State employees may be found on the New York State website, <https://ethics.ny.gov/ethics>. Section 107 of the Civil Service Law protects State civil service employees from discriminatory practices based on political affiliations. Section 107 of the Civil Service Law explains: The State workplace should remain nonpartisan. State employees are prohibited from promoting or forcing their personal political activities or opinions onto coworkers or colleagues. Under this provision, covered individuals may not be asked to reveal their political affiliations or opinions in order to determine fitness for office. In addition, the appointment, selection, or removal of civil service employees to or from State employment may not be affected or influenced by political opinions or affiliations. Section 107 further prohibits State employees from using their official positions to compel State employees to make political contributions and from using State offices to collect such contributions. Finally, Section 107 prohibits State employees from using or promising to use their official authority to coerce or persuade the vote or political action of any individual.

Section 17–156 of the Election Law similarly prohibits those who hold or are seeking public office from corruptly using or promising to use, directly or indirectly, any official authority to aid any person in securing public employment in return for the political vote or influence of that person. In addition, public employees may not accept nor request the payment or contribution of any valuable consideration in return for a promise of a public appointment.

In addition, the federal “Hatch Act,” 15 USC § 1501, et seq., applies to any State employee whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants. State employees subject to the provisions of the Hatch Act may not: (1) be candidates for elective office; (2) use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office; or (3) 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.

Below is additional guidance being provided, which is drawn from State laws, Executive Orders, opinions from New York State Commission on Ethics & Lobbying in Government, and analogous Federal and State guidelines.

Set forth below are the rules that apply specifically to political activities:

I. SPECIFIC CONDUCT

- A. Certain Types of Political Activity Are Permissible. State employees may engage in political activity subject to certain restrictions arising from their obligation to avoid a conflict of interest or the appearance of a conflict under Public Officers Law § 74. Accordingly, while State employees may participate in political activity, they cannot do so on State time nor by using State resources. For example, any campaign volunteering must be performed on the employee's own time, using only personal or campaign resources. Employees may also fundraise for a candidate (except for the Governor), so long as they do not do so on State time nor by using State resources and do not solicit

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contributions from co-workers. Essentially, whatever political activities employees engage in must be in accordance with the following rules.

- B. Political Activity Must Be Performed on the Employee's Own Time. Any campaign-related activity must be performed on an employee's own time.
1. An employee's "own time" includes lunchtime, before or after the end of the business day, weekends, and annual or personal leave. However, employees may not use State resources (i.e. office, email, State-issued phone or other State resources) for this activity even if during the employee's own time.
 2. Campaign activities may not be conducted during State business hours unless leave is taken. Accordingly, in the event an employee engages in campaign activity during work hours, they must take leave for the time expended on that activity.
- C. Employees Must Use Personal or Campaign Resources for Political Activity. Employees must use personal or campaign resources -- such as mobile devices, emails, and computers -- for all campaign-related activity. Examples of State resources that cannot be used for political activity include the following State-issued items: (1) mobile devices and telephones; (2) office supplies; (3) office printers and copiers; (4) support staff; (5) computers; and (6) e-mail accounts.
- D. Certain Types of Political Activity Are Strictly Prohibited. The following political activities are strictly prohibited:
1. Soliciting co-workers or subordinates for political contributions or requiring that they engage in political activity as a condition of their State employment.
 2. Questioning, directly or indirectly, State employees about their political affiliation as a condition of employment.
 3. Basing hiring, promotion, and salary decisions on an individual's political party affiliation, whether they made any political contributions, and/or how they voted.
 4. Using one's official State position to coerce, intimidate, or influence other State employees for any political purpose, action, or contributions.
 5. Using State offices or resources for soliciting or collecting any political contributions.
 6. Corruptly using or promising to use any official authority or influence in exchange for political action on another's part.
 7. For employees who are policymakers²: Serving as an officer, director, or board member of any party or political organization. (A political organization does not include campaign or fundraising committees.)
 8. For employees who are policymakers: Serving as a member, officer, director, board member, or district leader of any party committee.
 9. Circulating a candidate's nominating or designating petition in a State office or using State resources.

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10. Using a work computer (desktop or laptop) to produce a brochure or other materials to support or to oppose a candidate or a ballot question.
11. Using the State's Internet connections or accounts to forward e-mail messages received from an electoral campaign or someone supporting or opposing a candidate or a ballot initiative.
12. Making, offering, or soliciting any monetary contribution to the Governor's campaign for re-election or to any political campaign committee organized by or for the specific benefit of the Governor, or requesting or demanding that any other person do so.

We encourage employees to consult with the campus ethics officer before engaging in any political activity.

¹Public Officers Law Section 74(2) "No officer or employee of a State agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest."

²Policy Maker shall mean an officer, employee, director, commissioner, or member of a State Agency (other than a multi-state authority) who has been determined to hold a policy-making position pursuant to Public Officers Law §73-a(1)(c).

APPLICABILITY

The policy applies to all New York State employees.

APPENDIX/AUTHORITY

[New York State Commission on Ethics and Lobbying in Government](#)

[New York State Ethics Laws and Regulations](#)

[Civil Service Law § 107 - Commission on Ethics and Lobbying in Government](#)

[Public Officers Law § 73 - Commission on Ethics and Lobbying in Government](#)

[Public Officers Law § 74 - Commission on Ethics and Lobbying in Government](#)

[19 NYCRR Part 932 - Outside Activities](#)

[Ethics at a Glance - Poll Worker](#)

[NYS Election Law Sections 17–156](#)

[Hatch Act](#)

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APPROVAL

Prior to 2016

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