

**DEPARTMENT OF HUMAN SERVICES  
INTEROFFICE COMMUNICATION**

**TO:** Administrative Order Recipients

**From:** Gwendolyn L. Harris  
Commissioner

**DATE:** July 25, 2002

**SUBJECT:** Administrative Order 4:06, Political Activity of Employees

The purpose of this Order is to establish policy and procedures concerning the political activity of employees of the Department of Human Services.

This Order is being forwarded for your review, action if necessary, distribution to staff as appropriate, and retention in your Administrative Order manual. Please be advised that each recipient of this Order is responsible for being familiar with its content and ensuring that all affected Department personnel adhere to it.

Thank you for your cooperation in this matter.

GLH: 4

Attachment

## DEPARTMENT OF HUMAN SERVICES

**ORIGINAL EFFECTIVE DATE:** 1 November 1977

**LATEST REVISION:** July 1, 2002

**SUBJECT:** Political Activity of Employees

### **I. PURPOSE**

The purpose of this Administrative Order is to establish policy and procedures concerning the political activity of employees of the Department of Human Services.

### **II. SCOPE**

This order has Department-wide applicability.

### **III. AUTHORITY**

5 U.S.C. 1501 et seq. - Political Activity of Certain State and Local Employees (The Hatch Act)

N.J.S.A. 11A:2-23 - Political Activity Limited

N.J.S.A. 52:13D-1 et seq. - Conflict of Interest

N.J.A.C. 4A:10-1.2 - Department of Personnel: Political Activity

### **IV. POLICY**

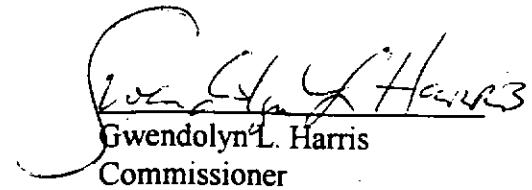
- A. No employee shall engage in political activity during working hours.
- B. No employee shall directly or indirectly use or seek to use his or her position or title to control or affect the political action of another person.
- C. No employee shall use State-owned property or equipment, including, but not limited to, telephones, cell phones, photocopiers, bulletin boards, computers and fax machines, during working or non-working hours for any political activity or posting of political materials.

- D. No employee shall use official authority or influence that interferes with or affects the results of an election or a nomination for office.
- E. No employee shall directly or indirectly coerce contributions from any employee in support of a political party or candidate.
- F. No employee shall be a candidate for public office in a partisan election when the employee's principal employment is in connection with a program financed in whole or in part by Federal funds or loans.
- G. During non-work hours and/or not in the workplace, employees may engage in the following activities:
  - 1. Be a candidate for public office in a nonpartisan election (any subsequent employment or political office must be reported on a conflict of interest form);
  - 2. Campaign for and/or hold elective office in political clubs and organizations;
  - 3. Actively campaign for candidates for public office in partisan and nonpartisan elections;
  - 4. Make financial contributions to political parties or organizations, and solicit and collect voluntary political contributions from persons who are not covered under the Federal Law (Hatch Act);
  - 5. Serve at the polls as election officials, clerks, checkers, watchers or as challengers for political parties and candidates in partisan and nonpartisan elections; and,
- H. Employees may use approved vacation or personal time to attend political conventions and participate in the deliberations or proceedings, or serve as delegates, alternates or proxies at such conventions.
- I. Employees continue to be covered by the Federal Law (Hatch Act) while on vacation, sick leave, leave without pay, administrative leave or furlough. Therefore, if any such employee wishes to run for a partisan political office, none of these leaves will protect the employee from violation of the law.

**V. PROCEDURES**

- A. Employees who seek to be a candidate for public office in a partisan election, shall obtain the prior written approval of the U.S. Office of Special Counsel at 1730 M Street, NW, Suite 300, Washington, DC 20036. It is the Office of Special Counsel of the United States Merit Systems Protection Board that has responsibility for the investigation of Hatch Act matters.
  1. In the absence of such written approval, an employee shall not seek public office in a partisan election.
  2. The written approval, upon receipt, shall be submitted as an attachment to the employee's completed Outside Activity Conflict of Interest Questionnaire.
- B. The employee's request for written approval, shall be submitted on the "Employee Request for Approval to Seek Public Office in a Partisan Election" form (Attachment 1). The form shall contain the following required information:
  1. The employee's name, position title (civil service and functional if different) and brief job description;
  2. The funding status of the employee's position (Federal and/or State); and,
  3. The elective position being sought by the employee.
- C. All requests for approval shall be processed as follows in order to ensure the accuracy of the information presented in the request:
  1. The information provided by the employee (IV.B. above) shall be verified by the employee's personnel office by means of a verifying signature on the "Employee Request for Approval to Seek Public Office in a Partisan Election" form; and,
  2. The completed request shall be submitted to the Department's Office of Legal and Regulatory Liaison for forwarding to the U.S. Office of Special Counsel.

- D. Any violation of the provisions of the Hatch Act may result in federal sanctions against the employee and the State of New Jersey. Such sanctions against the employee may include, but not be limited to, removal from employment. Any employee violating any other provision of this policy shall be subject to discipline in accordance with Administrative Order 4:08.
- E. Inquiries concerning this subject shall be directed to the Department's Office of Legal and Regulatory Liaison.



Gwendolyn L. Harris  
Commissioner

## Employee Request for Approval to Seek Public Office in a Partisan Election

1. Employee's Name: \_\_\_\_\_
2. Employee's Work Address: \_\_\_\_\_
3. Employee's Work Telephone Number: \_\_\_\_\_
4. Position title (civil service and functional, if different) \_\_\_\_\_  
\_\_\_\_\_
3. Brief job description: \_\_\_\_\_  
\_\_\_\_\_
4. Funding status of the employee's position (Federal and/or State): \_\_\_\_\_  
\_\_\_\_\_
5. Elective position and location of the elective position being sought: \_\_\_\_\_  
\_\_\_\_\_

The above information provided by \_\_\_\_\_ is hereby verified as correct  
**Employee's Name (printed)**

by the personnel office \_\_\_\_\_  
**Personnel Officer Signature**

**Print Name**

**Date**

This completed form must be submitted through the Department's Office of Legal and  
Regulatory Liaison to the U.S. Office of Special Counsel.