

**INDIANA DEPARTMENT OF CHILD SERVICES
ADMINISTRATIVE POLICIES AND PROCEDURES**

Policy Number: HR 3-3

Effective Date: August 1, 2014

Version: 3.0

POLICY TITLE: POLITICAL ACTIVITY

OVERVIEW: In accordance with state law, DCS employees may not engage in any political activities when on duty or acting in an official capacity. Furthermore, state law restricts an employee's participation in certain political activities that might interfere with job performance and/or the provision of services under certain circumstances. Questions surrounding political activity should be directed to the DCS Ethics Officer, the Indiana Inspector General, or the State Ethics Commission.

I. DEFINITIONS

The Hatch Act: The Hatch Act is a federal statute that restricts the political activity of an individual whose principal employment is in connection with an activity which is funded completely by federal funds or grants.

II. REFERENCES

- A. [42 IAC 1-5-4: Political Activity](#)
- B. [5 U.S.C. § 7321 – 7326 Federal Hatch Act](#)
- C. [IC 4-2-6-5.5: Conflict of interest; advisory opinion by commission](#)
- D. [IC 4-15-10-2: Political activities](#)
- E. [Indiana State Ethics Commission: Political Activities of State Employees](#)

III. POLICY

- A. DCS employees must comply with the requirements governing political activity found in the Indiana Administrative Code, state law and federal law.

Note: Although some activities may be permitted under the Hatch Act, they may not be permitted under Indiana law or administrative code, so employees considering political activity should contact their DCS Ethics Officer, the Indiana Inspector General or State Ethics Commission. (For example, although the Hatch Act permits state employees to work on campaigns for public officials, [42 IAC 1-5-4](#) prohibits any employee who has purchasing or procurement authority from soliciting political contributions on behalf of any candidate for public office.)

- B. Employees must also consider the possibility that political activity may involve other Ethics Rules including, but not limited to, use of state time and equipment, conflicts of interest, prohibitions on accepting gifts, and confidentiality.
- C. Under the Hatch Act, a state employee may not:
 - 1. Be a candidate for public office in a partisan election if the salary of the employee is paid completely by federal loans or grants,
 - 2. Use official authority or influence to interfere with or affect the results of an election or nomination,
 - 3. Use his or her DCS title or represent themselves as a DCS employee when engaging in any political activities, or

4. 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.
- D. In addition to those activities listed under section C above, a DCS employee may not:
1. Engage in any political activity when on duty or acting in an official capacity,
 2. Solicit political contributions from other employees,
 3. Post or display political materials in DCS offices or other DCS facilities, wear political buttons or attire at work, or use state equipment, resources owned by DCS or other employees for any political activity,
 4. Solicit political contributions at any time from persons or entities whom the employee knows to have a business relationship with DCS, or
 5. Directly or indirectly request that subordinates assist, in any way, with a campaign for a political party or candidate.
- E. Outside of work hours, DCS employees may:
1. Express political opinions by voting, wearing political buttons, displaying stickers and posters on personal property,
 2. Campaign for and hold an office in political clubs and organizations, subject to the restrictions outlined in section C, and
 3. Contribute money to political organizations and attend political fundraising functions.
- F. Outside of work hours, DCS employees who do not have purchasing or procurement authority may:
1. Run for public office in an election; and/or
 2. Actively campaign for candidates for public office in an election as long as they do not reference their DCS employment.
- G. No employee will be appointed to, demoted, or dismissed from any position, or in any way be favored or discriminated against with respect to employment because of his or her political opinions or affiliations.
- H. Failure to comply with the above policies may violate state and/or federal law, and may result in disciplinary action, up to and including dismissal.

IV. PROCEDURE

- A. An employee running for an elected office or formally involved in partisan politics will immediately:
1. Notify the DCS Ethics officer at ethics@dcs.in.gov,
 2. Confirm with the fiscal department that his or her position is not completely federally funded,
 3. Seek Hatch Act advisory opinion by contacting:
Hatch Act Unit
US Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Telephone: (800) 85-HATCH
Email: hatchact@osc.gov

4. Seek an advisory opinion from the DCS Ethics Officer, Indiana Inspector General, or State Ethics Commission if the circumstances dictate a formal ethics opinion and abide by any restrictions,
 5. Fill out a request for supplemental employment and comply with all supplemental employment requirements, and
 6. Ensure a supplemental authorization form is on file with the DCS Ethics Officer if elected to an office. If he or she intends to continue working for DCS the employee should seek an advisory opinion from the Attorney General regarding whether he or she would be considered a dual office holder.
- B. All employees will:
1. Seek guidance from the [DCS Ethics Officer](#) if a political activity is not specifically referenced in this policy.
 2. Report any violations of this policy to his/her work unit manager and [DCS Internal Affairs](#).
- C. It is the responsibility of managers and supervisors to intervene, and, if necessary, engage in corrective and/or disciplinary action if an employee is in violation of this policy.

DATE: August 1, 2014
Mary Beth Bonaventura
Department of Child Services

A signed copy is on file.

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