

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Political Practices</b>	PAGE <u>1</u> OF <u>5</u>
	NUMBER: 31-SEM-05
RULE/CODE REFERENCE: ORC 5120-.01; 124.57; 123:1-46-02; 3501.22	SUPERSEDES: 31-SEM-05 dated 11/19/11
RELATED ACA STANDARDS:	EFFECTIVE DATE: January 30, 2015
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

The purpose of this policy is to provide guidance for Department of Rehabilitation and Correction employees who want to participate in political and other election-related activities, make campaign contributions, or run for elected office.

**III. APPLICABILITY**

This policy applies to all permanent full-time and part-time employees of the Department of Rehabilitation and Correction.

**IV. DEFINITIONS**

**Classified Employee** – Persons in active pay status serving in the competitive classified civil service.

**Unclassified Employee** – Persons who serve at the pleasure of the Appointing Authority.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) that pursuant to section 124.57 of the Ohio Revised Code no officer or employee in the classified service of the state, the several counties, cities, and city school districts thereof, and civil service townships, shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any officer or employee in the classified

service of the state and the several counties, cities, or city school districts thereof, or civil service townships; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts thereof, and civil service townships, be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions. Employees are not prohibited from serving as a precinct election official or poll worker as described in ORC 3501.

## **VI. PROCEDURES**

### **A. Restricted/Prohibited Activities**

1. Classified employees are prohibited by law from engaging in certain election-related activities. A summary of restrictions, permissible, and prohibited activities is attached hereto as Appendix A.
2. Unclassified employees are not prohibited from engaging in political activities unless specifically precluded by federal or state constitutional or statutory provisions.
3. All classified and unclassified employees must avoid engaging in election-related activity on state time, on state property, or using state equipment (including conference rooms, computers, printers, office supplies, e-mail systems, telephone, copiers, fax machines, vehicles, or any other state property or equipment). In addition, state employees shall not engage in any election-related activities which interfere with, or pose a conflict of interest with respect to, their state duties and responsibilities.

### **B. Reporting Inappropriate Political Activities**

1. A classified employee who engages in prohibited political activity is subject to discipline, up to and including removal from his or her position.
2. Any employee who becomes aware of or suspects inappropriate political activities by an employee of the Department shall report such activity to his/her immediate supervisor in the chain of command or to the Managing Officer.
3. Once a report of an alleged violation of this policy has been received, all information relevant to the violation shall be forwarded to the Managing Officer.
4. The Managing Officer or designee shall investigate the incident and determine whether, in his/her opinion, a violation of the statutory prohibition has occurred.
5. The Managing Officer shall prepare a brief description of the incident as well as an assessment of the alleged violation and forward this information to the Director.
6. The Director or designee shall review the Managing Officer's report and, if necessary, conduct further investigations to determine what further actions, if any, are required.
7. Employees with questions regarding the propriety of a particular activity should contact Legal Services.

**C. Poll Worker Leave**

Employees requesting poll worker leave and supervisors who received the request for leave must follow the procedures listed below.

1. A request for paid time off to serve as a judge of elections on election day shall be submitted to the employee's immediate supervisor at least 14 calendar days prior to the date of the election or as soon as practicable. To request time off the employee must complete the standard Request for Leave form (ADM 4258), check the box for "Other" and write "Poll Worker Leave" on the form. The payroll code for this type of leave is POLLV. Additionally, the employee must attach to the request for leave a copy of the employee's certificate of appointment issued by the board of elections pursuant to RC 3501.27(A), a commitment card, or another form of confirmation from the local board of elections that the employee will be serving as a judge of elections on a particular election day. Any request for time off that is not timely or presented in the proper manner shall be denied.
2. Upon receiving a properly completed request for leave form with the required documentation, the immediate supervisor shall note the date and time the request was received in the supervisor's "Remarks" section. The supervisor is responsible for notifying an employee when the form is not completed properly or when documentation is missing. Such notification shall be given by the supervisor prior to marking the leave form as being received for processing.
3. Requests for poll worker leave shall be subject to the operational needs of the employee's work unit. Requests for poll worker leave shall be given the lowest priority as compared to all other types of leave requests received from employees within the work unit for the same date.
4. If the number of employees requesting poll worker leave would cause a work unit to not be able to fulfill its operational needs, then request for poll work leave shall be granted in the order they are received. The supervisor's date and time in the remarks section is the sole factor in determining when a request was submitted. Incomplete forms or forms with missing documentation shall not be considered submitted until the error is corrected.
5. DRC can revoke the approval of poll worker leave if operational circumstances of the employee's work unit so necessitate, at the discretion of the employee's immediate supervisor. A supervisor who makes this determination shall follow the existing procedures for revoking approved leave. It is the employee's responsibility to notify the board of elections if the employee is no longer available to serve as judge of elections on a particular election day.
6. Employees shall only receive poll worker leave on an hour-for-hour basis, up to the maximum number of hours the employee was regularly scheduled to work and was actually away from work on the day of the elections. For example, an employee must work 8 hours as a judge of elections in order to receive 8 hours of poll worker leave. If an employee serves as a judge for 5 hours, then the employee shall only receive 5 hours of

poll worker leave. Also, if an employee is regularly scheduled to work 8 hours and works longer than 8 hours at the polls on elections day, the employee is only entitled to 8 hours of poll worker leave. If the employee is only away from work for a portion of his/her shift and does not wish to return to work for the remainder of the shift, he/she may request to use available leave accruals to cover the difference in leave. Any discrepancy in the amount of time an employee is regularly scheduled to work and amount of time the employee serves as a judge shall be considered time during which the employee was absent without leave (AWOL).

7. An employee must verify to DRC the employee's service as a judge of elections in each instance that the employee utilizes poll worker leave. On the workday following the election on which the employee returns to work, the employee shall deliver a properly completed and signed Poll Worker Leave Verification Form (DRC1202) to the employee's immediate supervisor. Additionally, within 5 working days of receiving payment from the local board of elections, the employee shall submit proof of the payment to the employee's immediate supervisor. The supervisor shall attach the copy of the proof of payment to the Manager/Supervisor copy of the employee's previously submitted request for leave form. Verification will not be considered timely if submitted more than 6 months beyond the date the employee utilized poll worker leave. Failure of the employee to timely submit the required verification discussed above to the employee's immediate supervisor shall cause the employee to be considered absent without leave (AWOL) for the day and may subject the employee to discipline, up to and including removal. Compensation received for service as a judge of an election may be retained by the employee.
8. Any employee who fails to follow the procedures set forth in this work rule may be subject to disciplinary action, up to and including removal. DRC shall notify the Director of Administrative Services of any circumstances where fraud is suspected so that improper payments can be recovered.

### **Attachments**

Appendix A - Summary of Restrictions, Permissible and Prohibited Activities for Classified Employees

### **Related Department Forms**

Poll Worker Leave Verification Form          DRC1202

## APPENDIX A

**Summary of Restrictions, Permissible and Prohibited Activities for Classified Employees**

The following are examples of **permissible** activities for employees in the classified service, subject to provisions or restrictions set forth in DRC policies, procedures, Standards of Employee Conduct and or applicable contract provisions:

- (1) Registration and voting;
- (2) Expression of opinions, either oral or written;
- (3) Voluntary financial contributions to political candidates or organizations;
- (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
- (5) Attendance at political rallies;
- (6) Signing nominating petitions in support of individuals;
- (7) Display of political materials in the employee's home or on the employee's property;
- (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
- (9) Serving as a precinct election official under section 3501.22 of the Revised Code.
- (10) Running for office for which the candidates are not selected by political parties (a non-partisan position)

The following activities are **prohibited** by employees in the classified service:

- (1) Candidacy for public office in a partisan election;
- (2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
- (5) Service in an elected or appointed office in any partisan political organization;
- (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- (7) Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- (9) Solicitation of the sale, or actual sale, of political party tickets;
- (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
- (11) Service as, witness or challenger, for any party or partisan committee;
- (12) Participation in political caucuses of a partisan nature; and
- (13) Participation in a political action committee which supports partisan activity.