

CITY OF CAMBRIDGE

MANPOWER ADMINISTRATION

51 INMAN STREET • CAMBRIDGE, MASSACHUSETTS 02139

J. V. FISCHER
Director

876-6800
Ext. 330

August 25, 1975

TO: All Cambridge CETA Employees

FROM: Joe Fischer

RE: Restrictions on Partisan Political Activity

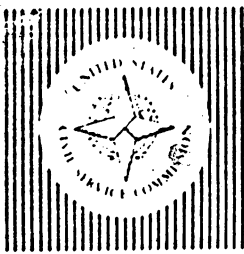
I have been asked to forward to you the attached explanation of the provisions of Sections 1501-1508 of Title 5 of the United States Code, (Commonly known as the Hatch Act) which restricts partisan political activity on the part of employees of federally funded programs like CETA.

Before reading these regulations, you should note that not all CETA employees are covered by the Hatch Act. In fact, the Hatch Act covers only those employees who are:

- 1) Involved in the administration of CETA money.
- 2) Or working in a city department or agency which receives federal funds other than CETA money (e.g. the Public Welfare department, or the Cambridge Housing Authority.)

CETA employees working in city departments receiving no federal funds need not be concerned with these regulations.

One other point: City Council elections in Cambridge are considered non-partisan.



INTERGOVERNMENTAL Personnel Notes SPECIAL ISSUE

November 1974

NEWS ABOUT IPA PROGRAMS

Hatch Act Restrictions Eased for State and Local Employees

Section 401 of the Federal Election Campaign Act Amendments of 1974 amends the Federal Hatch Political Activities Act (5, United States Code, 1501-1508) by removing the restriction against certain partisan political activities by State and local government employees in federally aided programs. Under the new law, effective on January 1, 1975, such employees will no longer be prohibited from taking an active part in political management or in political campaigns. Other Hatch Act restrictions on the political activities of State and local employees described below are unaffected.

Here is a summary of the provisions of the law, in its amended form.

Coverage

In general, the law covers officers or employees of a State or local agency if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency. An employee subject to political activity laws and regulations continues to be covered while on annual leave, sick leave, leave without pay, administrative leave, or furlough.

In many State, County, and Municipal governments the following programs receive financial assistance from the Federal Government: public health; public welfare; housing; urban renewal and area redevelopment; employment security; labor and industry; highways and public works; conservation; agriculture; civil defense; aeronautics and transportation; anti-poverty; and law enforcement.

The law, by its own terms, does not apply to:

1. an individual who exercises no functions in connection with the Federally financed activity; or
2. an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

Prohibited Activities

A State or local officer or employee who is subject to the provisions of the Hatch Act, may not:

1. use his or her official authority or influence for the purpose of interfering with or ~~acting~~ *affecting* the result of an election or nomination for office;
2. 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
3. be a candidate for elective office in a partisan election.

Use of Official Authority; Coercion: These prohibitions are aimed at activities such as threatening to deny promotion to any employee who does not vote for certain candidates; requiring employees to contribute a percentage of their pay to a political fund ("2% Club"); influencing subordinate employees to buy tickets to political fund-raising dinners and similar events; and matters of a similar nature. These prohibitions principally affect supervisors, but are applicable to any covered employee. For instance, employees still may not coerce, command, or advise other covered employees to make political contributions or to contribute their time or anything of value for political purposes.

Candidacy: A State or local officer or employee subject to the Hatch Act may not be a candidate in a partisan election for any public office or for any political party office which is obtained through a partisan election (such as a primary election).

Primary and run-off elections to nominate candidates of partisan political parties are partisan elections for purposes of the law.

The law permits officers and employees to be candidates in nonpartisan elections. These are elections in which none of the candidates is to be nominated or elected as representing a political party whose candidates for presidential elector received votes at the last preceding presidential election.

Permitted Activities

A State or local officer or employee, who is subject to the provisions of the Hatch Act, may:

1. Express his or her opinions on political subjects and candidates, and
2. Take an active part in political management and political campaigns.

Expressing Political Views: State or local officers or employees subject to the Act may as in the past express their individual opinions on political subjects and candidates. This is frequently done by employees wearing badges or buttons, or displaying stickers or posters on their cars or houses. While the Federal law does not prohibit this, regulations of the State or local agency may limit or restrict it. For example, the agency may logically differentiate between employees whose work requires them to meet the public constantly and those who seldom, if ever, meet the public in performing their duties.

Political Management: Restrictions on political management were repealed by the amendment. Membership and office holding in a political party, organization, or club is permitted. Affected employees may attend meetings, vote on candidates and issues, and take an active part in the management of the club, organization, or party. However, they may not run as candidates for any political party office in any public partisan election, such as a primary election.

Attendance at a political convention and participation in the deliberations or proceedings of the convention or any of its committees are permitted activities. Employees may be candidates for, or serve as delegates, alternates, or proxies at such a convention, so long as such candidacy does not involve a public partisan election (such as a primary election). Volunteer work for a partisan candidate, campaign committee, political party, or nominating convention of a political party is permitted.

Political Campaigns: Under the amended law, an employee may campaign for a candidate in a partisan election by making speeches, writing on behalf of the candidate, or soliciting voters to support or oppose a candidate.

An employee may attend a political meeting or rally including committee meetings of political organizations, and may serve on a committee that organizes or directs activities at a partisan campaign meeting or rally.

An employee may sign nominating petitions for candidates in a partisan election for public office, and may originate or circulate such petitions. An employee may drive voters to the polls as a convenience to them. Previous restrictions against transporting voters to the polls as part of the effort of a candidate or

political party to win a partisan election are no longer applicable to State and local employees.

Contributions: Employees may make a financial contribution to a political party or organization. They may solicit and collect voluntary political contributions. They may not, of course, coerce, command or advise another covered employee to make such contributions.

Public Office: The law that prohibits political activity does not prohibit holding a public office. Hence, if an employee holds an elective office when appointed to a covered State or local position, the employee may continue to serve but may not be a candidate for reelection in a partisan election. Likewise, an employee may accept appointment to fill a vacancy in an elective office while concurrently serving in a covered position. Such an employee should, of course, ascertain from his or her employing agency if acceptance of such an appointment may constitute a conflict of interest.

An employee may serve at the polls as an election official or clerk or as a checker, watcher, or challenger for a political party candidate in a partisan election.

State Laws

Where State law establishes more strict prohibitions on the political activity of State and local employees, these prohibitions remain in effect. It was not the intent of Congress to preempt or supersede, by the amendment, any existing State law.

The Hatch Act is enforced by the United States Civil Service Commission. If you have any questions as to whether the law applies to you or whether specific political activities are allowed, ask the U.S. Civil Service Commission for help in resolving them. Contact the Office of the General Counsel, U.S.C.S.C., Room 5H36, 1900 E Street, N.W. Washington, D.C. 20415, or telephone 202/632-7600.

Sources

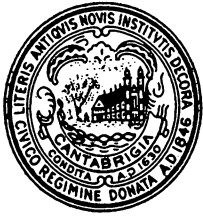
Hatch Political Activities Act, 5 U.S.C., secs. 1501-1508.

Federal Election Campaign Act Amendments of 1974 (P.L. 93-443, 88 Stat. 1263), sec. 401.

Conference Report on S.3044 (House Report 93-1438), Congressional Record, Vol. 120, No. 151, October 7, 1974.

U.S. Civil Service Commission, State and Local Employee Political Participation, GC-39 (1972).

The Commission on Political Activity of Government Personnel, A Commission Report, Vol. 1, Findings and Recommendations (1968).



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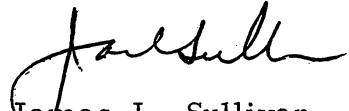
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

September 15, 1975

To the Honorable, the City Council:

I transmit herewith a communication which has been forwarded to all Cambridge CETA Employees relative to Restrictions on Partisan Political Activity, by Joseph Fischer, CETA Director.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

Restrictions on Partisan Political
Activity

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In City Council,

September 15, 1975

Sept 15, 1975

- Placed on File -