

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

Policy Number: HR 3-3

Effective Date: 1-1- 2011

Version: 2.0

POLICY TITLE: POLITICAL ACTIVITY

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

I. DEFINITIONS

- A. 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 wholly or in part by federal funds or grants. Nearly all DCS employees have duties relating to programs that are federally funded.

II. REFERENCES

- A. [42 IAC 1-5-4 Political Activity](#)
B. [Federal Hatch Act](#)
C. [IC 4-2-6-5.5](#)
D. [IC 4-15-10-2](#)
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 most notably under the Hatch Act.

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. (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, state and local employees may not:
1. Be candidates for public office in a partisan election,
 2. Use official authority or influence to interfere with or affect the results of an election or nomination,
 3. Use their DCS title or represent themselves as a DCS employee when engaging in any political activities,

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 listed under section C above, DCS employees 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, other employees or other DCS resources 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;
 5. Use official authority or influence to interfere with or affect the results of an election or nomination;
 6. Direct 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 nonpartisan elections, and/or
 2. Actively campaign for candidates for public office in partisan and nonpartisan elections 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 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. It is the responsibility of every employee to seek guidance from the [DCS Ethics Officer](#) if a political activity is not specifically referenced in this policy.
- B. Any employee suspecting violations of this policy should report them to his/her direct supervisor, the work unit manager, or the [DCS Ethics Officer](#).
- 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: 1-1-2011
James W. Payne, Director
Department of Child Services

A signed copy is on file.

Archived 7-31-14 Hatch Act Definition