

## **Board of Ethics Regulation No. 8 (Political Activity)**

### *Summary of post-hearing changes as of August 19, 2020*

#### **Paragraph 8.3**

- *New examples*

#### **8.3 No political activity on duty.**

An appointed officer or employee shall not engage in political activity while:

- a. On duty;
- b. In uniform, or while wearing a badge or other insignia that identifies them as a City officer or employee; or
- c. In City Hall or in any other City-owned or City-leased building, property, or office space, except that an appointed officer or employee may, while not on duty, attend a political event held in a City-owned or leased building, property, or office space if the event is open to the public.

#### ***Examples for Paragraph 8.3***

1) An employee may not display in her City workplace a sticker promoting a political party or candidate.

2) An employee may not wear a button promoting a candidate while in his uniform, even if he is not on duty.

3) An employee may not sign a nominating petition while in City Hall or in a City-owned or City-leased building or office.

4) An employee may not use a personal social media account to post content supporting or opposing a political party while on duty, even if the account uses an alias.

5) An appointed officer uses a photograph of herself with a candidate for President as a profile picture on her personal Twitter account. Because the profile photo will be reproduced with every tweet, comment, or retweet, she cannot use that account while on duty.

## Paragraph 8.4

- *8.4(d) replaced*
- *New examples*

### 8.4 No political activity using City resources.

An appointed officer or employee shall not engage in political activity:

- a. Using any City-owned or City-leased resources, such as telephones, smart phones, tablets, vehicles, printers, computers, or other supplies or equipment.
- b. Via a City-owned or City-operated social media account or a social media account that presents itself as being for official City business. An account presents itself as being for official City business if it contains little to no personal content and primarily shares or promotes material related to official City activities.

#### *Examples for Paragraph 8.4*

- 1) An employee may not send an email that supports a candidate while using the City's email system, a City computer, or a City-provided smart phone.
- 2) An appointed officer may not make a post that supports a political party on the official Facebook page for the officer's department.
- 3) An employee may not use a City-owned photocopier to copy campaign literature.
- 4) An employee whose personal Facebook profile photo depicts him with a current candidate for Mayor cannot share, post, or otherwise create content with that account using his City computer or City-provided smart phone.
- 5) An appointed officer may not use a Zoom account paid for by the City to host a virtual training for campaign volunteers.
- 6) An employee's personal Twitter account has occasional posts about family gatherings, but most of his posts are retweets of official City accounts and photographs of official events. The employee may not use this account for political activity.

## Paragraph 8.5

- *8.5(d) replaced*
- *New examples*
- *Consistency edits*

### 8.5 No political activity using City title or position.

An appointed officer or employee shall not use their authority, influence, title, or status as a City officer or employee while engaging in political activity, such as:

- a. Using their City title or status as a City officer or employee while participating in political activity;
- b. Using their authority or influence to coerce any individual to participate in political activity; ~~and~~
- c. Requesting, directing, or suggesting that a subordinate officer or employee participate in political activity; ~~;~~ or
- d. ~~Identifying their City title or position in their profile on a social media account, if they use that account for political activity;~~

Using their City title or status as a City officer or employee while participating in political activity on social media. Specifically, an officer or employee using a social media account for political activity cannot use text or images that identify, reference, or depict their City title or status as a City officer or employee:

- i. in a post or other content that contains political activity;
- ii. in an account profile on any social media platform that references, reproduces, or depicts that information alongside posts or other user-created content; or
- iii. in a profile picture, handle, username, or other account identifier.

Paragraph 8.5(d) does not require an appointed officer or employee to remove social media content (1) created by someone else or (2) that they created before becoming a City officer or employee.

### *Examples for Paragraph 8.5*

- 1) An employee may write a letter to the editor promoting a candidate for public office so long as he does not make reference to his title or his status as a City employee in that letter.
- 2) An employee uses a photo of herself in her uniform in her personal Google account profile. The employee may not send emails in support of a candidate from this account because her profile photo of herself in uniform will appear as part of each such email.
- 3) ~~Because an~~An employee ~~includes~~uses her City title in ~~her~~the profile headline on ~~their~~personal ~~her~~ LinkedIn account ~~she~~. Because a LinkedIn headline automatically accompanies almost every action on that platform, the employee may not post messages on LinkedIn supporting a candidate for public elective office.

4) An employee of the Managing Director's Office uses the Twitter handle @PhillyMDOGuy. He cannot use that account to tweet in support of a political party using that Twitter account unless he changes the handle to something that does not identify his City position.

5) An appointed officer is Facebook friends with several of her subordinates. If she uses her personal Facebook account to send a group message explaining why she supports a specific candidate, she cannot include her subordinates as recipients of that message.

6) Several subordinates follow an appointed officer's personal Twitter account. The appointed officer may tweet generally about his support of a candidate, but may not mention or tag a subordinate in such tweets.

## Paragraph 8.7

- *8.7(b) clarified*
- *Example 4 clarified*
- *Consistency edits*

### **8.7 No involvement in the management of political parties, political campaigns, or partisan political groups.**

~~An appointed officer or employee shall not:~~ No appointed officer or employee, other than an employee of City Council\*, shall take any part in the management of any political party, political campaign, or partisan political group such as:

- a. Supervising or directing party or campaign workers or volunteers.
- b. Having responsibility for or ~~substantial~~more than minimal input into ~~the~~ strategy, communications, compliance, or finances of a political party, political campaign, or partisan political group.
- c. Holding any paid position for a political party, political campaign, or partisan political group, including as an independent contractor.
- d. Being a candidate for public elective office or political party office.
- e. Being a member of any committee of a national, state, or local political campaign, political party, or partisan political group.
- f. Being a committee person, ward leader, delegate, or other officer of a political party or be an officer of a partisan political group.

#### ***Examples for Paragraph 8.7***

- 1) An appointed officer may not serve as a delegate to a political party convention.
- 2) An employee may not be a candidate for a position on an election board such as judge of election, majority inspector, ~~and/or~~ minority inspector, or serve in any such position.
- 3) An appointed officer may not serve as a campaign manager for a political campaign.
- 4) An employee may not ~~participate in developing~~develop or ~~directing campaign strategies,~~ such as~~direct~~ public relations ~~or data analytics~~strategies for a political campaign.

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\* For permissible activity for City Council employees, see Paragraph 8.15.

## Paragraph 8.8

- *Application to temporary assignments clarified*
- *New example*

### **8.8 No involvement in any political campaign by appointed officers and employees of the Police Department, the Board of Ethics, or the Office of the City Commissioners, Sheriff, or District Attorney.**

Appointed officers or employees of the Police Department, the Board of Ethics, or the Office of the City Commissioners, Sheriff, or District Attorney shall not:

- a. Take any part in any political campaign.
- b. Engage in political activity in coordination with a political party, political campaign, or partisan political group.
- c. Republish or distribute any printed campaign literature that was produced or paid for by a candidate, political party, or political campaign.

~~This Paragraph shall apply to anyone temporarily assigned to one of the listed offices or departments for the duration of that assignment.~~

For any officer or employee temporarily assigned to one of the listed offices, this Paragraph shall apply for the entirety of each calendar day on which any such temporarily assigned duties are performed.

If, however, the officer or employee is temporarily assigned to perform duties relating to the administration of an election, this Paragraph shall also apply for the entirety of the day of the election and each of the ten (10) calendar days preceding that day through the end of the last calendar day on which all such temporarily assigned duties are completed with regard to that election.

#### ***Examples for Paragraph 8.8***

- 1) An employee of the Commissioners' office may not volunteer for the campaign of a candidate for Governor.
- 2) An employee of the Police Department may not distribute palm cards printed by the campaign of a candidate for United States Senate.
- 3) An appointed officer of the Board of Ethics may not stuff envelopes for a friend running for state representative in Wisconsin.
- 4) An employee of the Airport is temporarily assigned to the City Commissioners to assist with delivering supplies to polling places during the general election on November 3, 2020. They may not engage in volunteer activities for any campaign from 12:00 A.M. on October 24, 2020 through and including 11:59 P.M. on November 3, 2020.

## Paragraph 8.12

- *New example*

### 8.12 Participation in non-local campaigns permitted for some employees.

In addition to the activities listed in Paragraph 8.11, an appointed officer or employee who is not part of the Police Department, the Board of Ethics, or the Office of the City Commissioners, Sheriff, or District Attorney may volunteer in support of a candidate who is not running for local elective office, so long as they:

- a. Comply with the restrictions set forth in Subpart B;
- b. Do not participate in any tasks that involve the management, strategy, supervision, or direction of campaign work as set forth in Paragraph 8.7;
- c. Do not seek or accept any compensation for their participation, including:
  - i. Any salary, wages, stipend, or any other payment; or
  - ii. Any clothing, travel, lodging, entertainment, food, beverage, or any similar benefit, or reimbursement for the same, beyond what would reasonably be provided to volunteers by a campaign in the ordinary course of its activities.

#### *Examples for Paragraph 8.12*

- 1) An employee of the Streets Department may volunteer for a canvassing effort organized by a political party in support of a candidate for Attorney General of Pennsylvania.
- 2) A member of the Free Library Board of Trustees may distribute sample ballots on behalf of a candidate for City Council in Pittsburgh.
- 3) An employee of the Water Department may participate in a get-out-the-vote drive organized by a candidate for Montgomery County Commissioner.
- 4) An employee of the Health Department may volunteer to hand out campaign t-shirts at a rally in support of a candidate for United States Senate.
- 5) An employee of the Mayor's Office volunteers to staff a rally in support of a Presidential candidate. If the campaign offers cheesesteaks to all volunteers staffing the rally, the employee may accept the cheesesteak.

## Paragraph 8.13

- *Reinstated 8.13(b)*
- *Updated for consistency with changes to 8.5*

### 8.13 Permissible activity involving social media.

~~So long as they comply with the restrictions set forth~~So long as they are using a personal social media account on their own time and using their own resources as further described in Subpart B, appointed officers and employees may:

- a. Use social media to express their personal opinion on political matters, including to express support for or opposition to a candidate, political campaign, or political party.
- b. Identify in their social media profile their title or status as a City officer or employee and the political party they support.
- c. Share, respond to, or follow the social media account, post, or page of a political party, candidate, or political campaign.

~~If an appointed officer or employee uses a social media platform to engage in political activity, they may not identify their City employment status or title in their profile or posts on that platform.~~

As described in Paragraph 8.5, City officers and employees must ensure that their City title or status is not referenced, reproduced, or depicted in or with any social media content they create that expresses support for or opposition to a candidate, political campaign, political party, or partisan political group.