

CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE

POLICY MEMORANDUM NO. 111

March 14, 2006

TO: All Departments, Boards, Agencies and Commissions

FROM: Brenda G. Hatfield, Ph.D., Chief Administrative Officer

SUBJECT: RESTRICTIONS ON POLITICAL ACTIVITIES BY CITY EMPLOYEES

I. PURPOSE

The purpose of this memorandum is to make you aware of the legal constraints on City employees engaging in political activities.

II. CIVIL SERVICE: CLASSIFIED AND UNCLASSIFIED POSITIONS

All employees of the City of New Orleans ("City") are members of the Civil Service. La. Const. Art. X, § 1(B). The Civil Service in the City is regulated by the Louisiana Constitution, the Home Rule Charter of the City of New Orleans ("Charter") and the Rule of the Civil Service Commission ("CSC"). The Charter provides that its article on the Department of Civil Service has effect only in the absence of an applicable State law on the same subject. Charter § 8-101. The CSC is empowered to promulgate and amend the rules for the City's Civil Service. Charter § 8-107.

The Civil Service consists of both classified and unclassified positions. Unclassified positions include: elected officials and person appointed to fill vacancies in elective offices; the Chief Administrative Officer ("CAO") and department heads, except the Director of Personnel; certain personnel in the CAO's Office; employees in the Offices of the Mayor and the City attorney; members of boards and advisory committees; bona fide students employed by municipal agencies; and railroad employees. Charter § 8-105(1). Employees not included in the unclassified service are in the classified service. Charter § 8-105.

III. POLITICAL ACTIVITIES BY CITY EMPLOYEES

A. Classified Employees

The Louisiana Constitution, the Charter and the CSC Rules prohibit classified employees from engaging in political activity. La. Const. Art. X, § 9; Charter § 8-112(1)(b); CSC Rule XIV. "'Political activity' means an effort to support or oppose the election of a candidate for political office or to support a particular party in an election" La. Const. Art. X, § 9(C); Charter § 8-112(1)(d); CSC Rule XIV, § 2.1. Support for bond issues, tax referenda and constitutional or Charter amendments are not

prohibited. *Id.* Support for candidates for elective office is political activity.

No classified employee may be a candidate for nomination or election to public office except to seek nomination as the classified City employee serving on the City Civil Service Commission. La. Const. Art. X, § 9. No classified employee may be a member of any national, state, or local committee of a political party, or faction or take active part in the management of the affairs of a political party, faction, candidate or any political campaign. Charter § 8-112. No person shall solicit contributions for political purposes from any classified employee. Charter § 8-112. No classified employee may make or solicit contributions for any political party or candidate. La. Const. Art. X, § 9. No person who has been elected to public office may hold apposition in the classified service. Charter § 8-112(2)(c). No person shall use or attempt to use a position in the City service to punish or coerce the political action of a classified employee. Charter § 8-112(1)(c).

B. Unclassified Employees

Unclassified employees may participate in political or campaign activities within established legal guidelines. Unclassified employees should not use City time or equipment to engage in political activities. Unclassified employees who choose to volunteer on political campaigns should not do so during hours when they are on City time; rather, the employee should take annual leave. For example, the following list is a list of items that should not be used for political purposes: City computers, email, telephones, cellular phones, Blackberries, facilities, vehicles, postage, letterhead, folders. Notably Blackberries should not be used for political or campaign-related telephone calls, email messages and PIN messages. City vehicles should not be driven to political functions. Campaign materials should not be transported in or displayed on City vehicles.

C. All City Employees

All city employees are free to exercise their right as a citizen to express an opinion privately, to serve as a commissioner or official watcher at the polls, and to vote as desired. Charter § 8-112.

IV. CANDIDATES FOR ELECTIVE OFFICE

No classified employee may be a candidate for nomination or election to public office. La. Cons. Art. X, § 9; CSC Rule XIV, § 1.1(a); La. Atty. Gen. Op. No. 98-25 (February 2, 1998). Any member of a board or commission who qualifies as candidate for public elective office or who shall accept an appointment to such office for which compensation is paid by the City must forfeit membership on the board. Chart § 9-106. This restriction does not apply to elected officials who serve on boards and/or commissions in the capacity of their elective office. For example, the Mayor, by virtue

of his position, is also President of the Sewerage and Water Board. He would not be required to forfeit his position on the S&WB to run for reelection. In order to run for office, a classified employee must resign from his classified position.

V. INQUIRIES.

Any questions concerning this memorandum should be addressed to the CAO.