

Chapter 14: Prohibited Activities

Overview

Key prohibitions for employers include:

- Giving or promising someone state employment in return for payment or for political support.
- Requiring payment or political support from an employee or applicant for classified employment.
- Basing employment decisions on an employee's race, sex, religion or political beliefs.
- Paying an employee more than the Rules allow.

Key prohibitions for classified employees include:

- Participating in political or campaign activity at any level — state, local or federal.
- Running for political office at any level.
- Contributing to a candidate or political campaign fund.
- Publicly supporting a candidate, party or political group.

However, classified employees MAY:

- Publicly support or oppose a constitutional amendment or other legal proposal.
- Serve as poll watchers or commissioners.
- Vote in elections.

Both employers and employees are required to:

- Provide truthful, accurate information on all employment related documents.
- Follow the rules and directives of the Commission or the Director.
- Comply with any formally approved agency policies.
- Cooperate with any review, audit or investigation conducted by SCS staff.

HR Impact

Many agencies include basic Do's and Don'ts in employee orientation. HR can help employees by explaining the purpose for these requirements: to ensure that state employees paid with public dollars are hired and retained based on how effectively they do their jobs, not on their support of a political candidate or party. Many employee questions about what they may or may not do can be answered by having a sound understanding of the rules in this chapter. For help with specialized questions, HR offices are encouraged to contact the SCS General Counsel. Violations of the prohibitions in this chapter may be addressed directly by the employing agency or referred to SCS for investigation.

Rule-By-Rule Review

Rule 14.1 Prohibited Activities

(a) When making appointments, promotions, demotions or dismissals, or taking other personnel actions, appointing authorities may neither favor nor discriminate against classified employees because of their race, sex, political or religious opinions or affiliations, or membership or nonmembership in any private organization.

(b) Classified employees may not contribute or solicit contributions from other employees for any political party, faction or candidate, either directly or indirectly. This prohibition also applies to members of the Commission.

(c) It is prohibited to offer or give, or to ask for or accept, whether directly or indirectly, anything of value to gain advantage in receiving an appointment to a classified position, except for services provided by a temporary staffing agency as approved by the Director.

(d) No one may directly or indirectly take disciplinary action against a classified employee in order to influence his vote, support or other action in any election. No one may use his authority to threaten, promise, punish or coerce the political actions of any classified employee.

(e) Classified employees, and members of the Commission, may NOT:

1. Participate in political activity.
2. Be a candidate for election to any public office, except for the employee representative position on the State Civil Service Commission.
3. Be a member of any national, state or local committee of a political party or faction.
4. Take active part in the management of a political party, faction, candidate or campaign. However, classified employees MAY express their opinions privately, serve as poll commissioners or poll watchers, and, of course, may vote.
5. Take active part in an effort to recall any elected public official or ask anyone else to sign a recall petition or otherwise participate in a recall effort. However, a classified employee MAY sign a recall petition himself.

(f) No elected official may be appointed to or hold a classified position.

NOTE: The SCS pre-employment application for classified positions contains a question asking applicants to indicate whether or not they are currently holding or running for an elective public office. It is SCS practice to place on the eligible list persons who are otherwise qualified and who answer “yes” to this question. Although such applicants cannot be appointed to a classified job while campaigning for or serving in an elected public office, this should not prevent them from applying. However, if the hiring agency wishes to make an offer to such an applicant and the applicant wishes to accept, the applicant must resign from the elected public office or campaign prior to the effective date of the classified appointment. Prior to making offers, hiring agencies should review how applicants answered this question to avoid a potential rule violation.

- (g) Classified employees may support or oppose any issue involving bond indebtedness, tax referenda, or constitutional amendments.
- (h) No one may be appointed to classified position that has not been allocated to a job title in accordance with the procedures established by the Director.
- (i) No classified employee may receive any compensation except as authorized by Article X, the Civil Service Rules, the Uniform Classification and Pay Plan, or policies and procedures issued by the Director.
- (j) It is prohibited to give any false information on any personnel documents or to fraudulently try to impact any personnel action. This includes, but is not limited to, employment applications, employment tests, position descriptions, etc.
- (k) Trying to affect a candidate's chances for appointment or promotion by persuading other candidates to apply or withdraw is prohibited. The Director may bar from state employment anyone who participates in such activity. The Commission may also, after investigation and hearing, impose such other penalty as allowed by these rules.
- (l) Discrimination based on an employee's race, sex, religion or political beliefs is prohibited.
- (m) All classified employees are required to answer truthfully any and all questions asked by an authorized representative of the department, Commission or State Police Commission, in order to assist them in applying and enforcing the Rules and/or the provisions of the state constitution.
- (n) No employment action can be taken without approval of the Commission or Director when such approval is required by the state constitution or Civil Service Rules.
- (o) Orders of the Commission must be carried out unless stayed by a court order or unless time limits apply by rule or law.
- (p) No one who was a statutory appointing authority in a department within the past two years may be appointed to a classified position in that department without prior Commission approval.
- (q) Orders of the Director must be complied with if they are issued under the authority granted by the rules.
- (r) Agency policies and procedures that required Commission or Director approval must be followed once that approval has been granted.
- (s) No one will fail to comply with any delegation agreement.

Rule 14.1.1 Repealed

Rule 14.2 Repealed

Rule 14.3 Repealed

Rule 14.4 Repealed

Job Aids and Resources

- [Guidelines for Speaking Publicly on Issues](#)