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## GENERAL CIRCULAR NUMBER 2024-017

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**DATE:** May 8, 2024

**TO:** Heads of State Agencies and Human Resources Directors

**SUBJECT:** Speaking Publicly on Issues

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As the 2024 Legislative Session continues, we have received several inquiries from classified employees regarding what they can and cannot do in terms of addressing members of the legislature and supporting or opposing issues of public concern. Classified employees are prohibited by Article X, §9 of the state constitution from engaging in efforts to support a candidate, party, or political faction in an election. **However, these constitutional restrictions do not restrict classified employees from expressing themselves either privately or publicly on issues that may be pending before the legislature or other public body or issues that are placed on the ballot for a vote of the people at the conclusion of the legislative process.**

However, [The Lobbying Act \(La. R.S. 24:56.F.\(1\)\)](#) does prohibit any state employee, classified or unclassified, “in his official capacity or on behalf of his employer” from communicating with a legislator in an attempt to influence the passage or defeat of legislation. This prohibition does not apply to an elected official or his designee, nor does it prohibit the giving of factual information to the legislature, whether the employee is acting in his official capacity or not.

Most of the questions raised by classified employees involve their right to express their personal views on matters of public interest. This is not prohibited, but if the expression is done during work hours the employee must take leave and it should be clearly expressed that the employee is acting in his or her personal capacity.

**1. Can I go to the legislature or another public body or public officer to tell them my view on matters?**

Yes, you can. You must request and receive approval for annual leave in accordance with your agency’s policies and procedures for doing so.

**2. When is the Lobbying Act applicable to state employees regarding pending legislation?**

The Lobbying Act applies to matters pending before the legislature or its committees; once a bill has passed through the legislature and gone to the Governor for consideration, it is no longer “pending before the legislature or its committees.” Expression of one’s personal opinion or presentation of factual information may still be relevant at that point, especially if the matter will later appear on a ballot for a vote of the people.

### **3. Can I get into trouble for expressing myself publicly?**

Maybe. The United States Supreme Court, as well as Louisiana courts, have held that although government employees have a right to free speech like any other citizen when the government is the employer, it has an interest in regulating the speech of its employees that differs significantly from the interest it has in regulating the speech of the citizenry in general. The standard that the Supreme Court has set to determine if the government can regulate the speech is “If an employee’s speech does not relate to a matter of public concern then the government’s interest in efficiency, work place harmony and satisfactory performance will usually trump the employee’s interest in free speech.” Therefore, when speaking publicly, make sure you are addressing matters that are of public concern and not as an employee upon matters personal to your particular work environment. The same is true of other issues such as your pay, a Civil Service rule, or an appropriation by the legislature. If you have concerns about any issue, you may express yourself to the entity that can do something about it, whether in public or by private communication.

### **4. Can I write a letter to the editor of a newspaper to express my views on an issue?**

Yes, you can. However, make sure your letter concerns a matter of public interest and not your personal work environment.

### **5. Can I post, comment, and react to posts on social media to express my views on an issue?**

Yes, you can. However, make sure your post/comment/interaction concerns a matter of public interest, not your personal work environment, and refrain from supporting/opposing a candidate or party while expressing your views.

### **6. Can I go to public rallies on issues and carry a sign, cheer and boo?**

Yes, you can. But the same standard applies to expressions at rallies as it does before a public body.

### **7. Can I contact my legislator, personally, by letter or email, or on social media?**

Yes, you can. As a private citizen, you have the right to contact your legislator concerning any issue that is of personal concern to you or concerning any issue before the legislature. Do not use your state-issued work equipment to communicate matters of public concern to a member of a public body.

**8. Can I be a member of an organization that lobbies before the legislature?**

Yes, you can. You as a state employee cannot lobby before the legislature in your official capacity as a state employee, but that does not prevent you from being a member of an organization that lobbies the legislature on matters of public concern, such as the American Federation of State, County or Municipal Employees (AFSCME), Retired State Employees Association (RSEA), or the State Employees Association of Louisiana.

**9. If RSEA were holding a rally on the steps of the State Capitol, could active state employees who are RSEA members participate?**

Yes, you can. However, if the rally is scheduled during normal duty hours, you must be on approved annual leave. The standard stated above concerning expressions applies.

**10. Would attending a rally be considered lobbying?**

No, it would not. A rally is a gathering of people to inspire enthusiasm for a cause.

**11. Can I place a sign in my yard supporting or opposing proposed legislation or a ballot initiative on an issue of public concern?**

Yes, you can. Proposed legislation and ballot initiatives that you may support or oppose are issues and not the support or opposition to a party, candidate, or faction seeking an elected office.

**12. Can I use my work computer to express my personal opinion on an issue of public concern?**

No, you cannot. Your work computer is for work purposes. If you wish to communicate a matter of public concern to a member of a public body via email, you must use your personal computer.

If you still have questions about speaking publicly on issues as a classified state employee, contact your Human Resources Office, or the Department of State Civil Service, P.O. Box 94111, Baton Rouge, LA 70804-9111 or by phone at (225) 342-8274.

Sincerely,

s/Byron P. Decoteau, Jr.  
SCS Director