



City of Dublin

Office of the City Manager

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Memo

To: Members of Dublin City Council
From: Marsha I. Grigsby, City Manager *MIG*
Date: May 1, 2014
Initiated By: Tim Wagner, Director of Human Resources
Re: Ordinance 37-14 – Amending Section 33.67 of the Personnel Code

Summary

Attached for your consideration is Ordinance 37-14, which amends Section 33.67 of the Dublin Code (Political Activity). The amendments to Section 33.67 allow employees to more freely exercise their First Amendment rights and are consistent with current collective bargaining agreements.

The first revision to Section 33.67 allows employees to hold a nonpartisan public office. This will allow an employee to hold a public office as long as there is no political party affiliation indicated on the ballot for the office. This revision mirrors common trends.

The other revisions made by the Ordinance more clearly delineate those political activities that are permissible for City employees. Some of these activities include signing political nomination forms, participating in political rallies and serving as a precinct official.

Recommendation

Staff recommends approval of Ordinance 37-14 at the second reading/public hearing on May 19, 2014.

§ 33.67 POLITICAL ACTIVITY.

(A) *Candidacy.* No officer or employee of the municipality shall continue therein after becoming a candidate for nomination or election to any [partisan](#) public office.

(B) *Political activities.*

(1) No person employed by the municipality shall orally or in writing solicit or in any manner be concerned with soliciting any assessment, subscription or contribution of any type for any political party or political purpose whatsoever from any person holding a position in the service of the municipality.

(2) No person holding a position in the service of the municipality shall make any contribution to the campaign funds of any candidate for municipal elective office for the actual or apparent purpose of influencing such persons or receiving favors of any nature from the persons.

(3) No person holding a position in the service of the municipality shall take any part in the management of the affairs of a political party, other than in the exercise of his rights as a citizen to express his opinion and cast a vote.

(4) Any violation of this section shall be reported immediately by the person having knowledge of the facts thereof to the Manager. The Manager shall cause an investigation to be made and if the facts are found to be substantiated, cause the offender to be suspended from duty and commence actions necessary to cause the offender's removal.

(5) Municipal employees are prohibited from becoming actively involved in ~~the elective process~~ [or any](#) campaigns for any municipal elective office.

(C) Examples of permissible activities for employees include, but are not limited to the following:

(1) Registration and voting;

(2) Expression of opinions, either oral or written, in the employee's individual, private capacity;

(3) Voluntary financial contributions to political candidates or organizations not in contradiction to the provisions in Section (B) above;

(4) Circulation of non-municipal, nonpartisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation;

(5) Attendance at political rallies;

(6) Signing nominating petitions in support of individuals;

(7) Display of political materials in the employee's home or on the employee's property;

(8) Wearing political badges or buttons in the employee's private capacity, or the display of political stickers on private vehicles; and

(9) Serving as a precinct election official under section 3501.22 of the Revised Code.

RECORD OF ORDINANCES

Ordinance No. 37-14

Passed _____, 20____

AN ORDINANCE AMENDING SECTION 33.67, POLITICAL ACTIVITY, OF THE CITY OF DUBLIN CODIFIED ORDINANCES TO EXPAND THE SCOPE OF PERMISSIBLE POLITICAL ACTIVITY FOR CITY EMPLOYEES.

WHEREAS, the right to engage in political activity is a right protected by the First Amendment of the United States Constitution; and

WHEREAS, the City of Dublin (the "City") reviewed Section 33.67 of the Dublin Code of Ordinances (the "Code") and determined that the City needed to update the section to conform with the rights granted under the First Amendment; and

WHEREAS, the City desires to amend Section 33.67 of the Code to conform with the rights granted under the First Amendment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. Section 33.67 of the Dublin Code of Ordinances is hereby amended and shall provide as follows:

§ 33.67 POLITICAL ACTIVITY.

(A) *Candidacy.* No officer or employee of the municipality shall continue therein after becoming a candidate for nomination or election to any partisan public office.

(B) *Political activities.*

(1) No person employed by the municipality shall orally or in writing solicit or in any manner be concerned with soliciting any assessment, subscription or contribution of any type for any political party or political purpose whatsoever from any person holding a position in the service of the municipality.

(2) No person holding a position in the service of the municipality shall make any contribution to the campaign funds of any candidate for municipal elective office for the actual or apparent purpose of influencing such persons or receiving favors of any nature from the persons.

(3) No person holding a position in the service of the municipality shall take any part in the management of the affairs of a political party, other than in the exercise of his rights as a citizen to express his opinion and cast a vote.

(4) Any violation of this section shall be reported immediately by the person having knowledge of the facts thereof to the City Manager. The City Manager shall cause an investigation to be made and if the facts are found to be substantiated, cause the offender to be suspended from duty and commence actions necessary to cause the offender's removal.

(5) Municipal employees are prohibited from becoming actively involved in any campaigns for any municipal elective office.

(C) Examples of permissible activities for employees include, but are not limited to the following:

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- (1) Registration and voting;
- (2) Expression of opinions, either oral or written, in the employee's individual, private capacity;
- (3) Voluntary financial contributions to political candidates or organizations not in contradiction to the provisions in Section (B) above;
- (4) Circulation of non-municipal, nonpartisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation;
- (5) Attendance at political rallies;
- (6) Signing nominating petitions in support of individuals;
- (7) Display of political materials in the employee's home or on the employee's property;
- (8) Wearing political badges or buttons in the employee's private capacity, or the display of political stickers on private vehicles; and
- (9) Serving as a precinct election official under section 3501.22 of the Revised Code.

Section 2. This Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Passed this _____ day of _____, 2014.

Mayor – Presiding Officer

ATTEST:

Clerk of Council