



Administrative Policy
Seeking Elective Office

A.P. No.

A.P 3-35

Effective Date:

Upon Approval

1. POLICY STATEMENT

The City of Houston's policy is to determine whether a City employee's candidacy for public elective office presents any conflicts of interest with the employee's City job, and if so, resolve them.

2. POLICY PURPOSE

To ensure compliance with Section 14-156 of the City of Houston, Texas, Code of Ordinances.

3. SCOPE

This policy applies to all employees seeking a public elective office. This policy does not apply to the City's appointed or elected officials.

4. DEFINITIONS

Candidate: Any city employee seeking any public elective office who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public elective office or for the purpose of satisfying financial obligations incurred by the person in connection with a campaign for nomination or election. Examples of affirmative action include but are not limited to: 1) filing a campaign treasurer appointment; 2) filing an application for a place on a ballot; 3) filing an application for nomination by convention; 4) filing a declaration of intent to become an independent candidate or a declaration of write-in candidacy; 5) making a public announcement of a definite intent to run for public office in a particular election; 6) making a statement of definite intent to run for public office and soliciting support by letter or other mode of communication; 7) soliciting or accepting a campaign contribution or making a campaign expenditure; and 8) seeking the nomination of an executive committee of a political party to fill a vacancy.

Public Elective Office: Any federal, state, county, district, or city office, whether paid or unpaid, requiring a public election.

5. POLICY DETAILS

5.1. Employees shall not face retribution or reprisal of any sort for seeking election to or winning an election to a public elective office.

5.2. Employees shall not face corrective action, including indefinite suspension or termination, solely because they become candidates for public office. However, employees are still expected to fulfill all the duties and responsibilities associated with their City employment.

5.3. While on duty, City employees shall not participate in election or campaign activities (except for voting in compliance with City and/or department policy).

5.3.1. Examples of election or campaign activities include but are not limited to: using the City's email system for political activities, advocating in support or opposition of a proposition or candidate,

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Date Approved:

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and displaying or distributing posters, pamphlets, flyers, etc. in support or opposition of a candidate or a proposition in or on City facilities.

- 5.4. City employees shall not use or authorize the use of City staff or resources at any time, whether on or off duty, to engage in election-related activities. City resources include, but are not limited to, copiers, computers, fax machines, social media accounts, and email.
- 5.5. Employees who violate this policy may be subject to corrective action up to and including indefinite suspension or termination and other penalties as provided in Section 14-156 of the City of Houston, Texas, Code of Ordinances.

6. ROLES AND RESPONSIBILITIES

- 6.1. The employee seeking public elective office shall be responsible for:
 - 6.1.1. Making his/her candidacy known in writing to the HR Director at least 14 calendar days prior to becoming a candidate and providing a copy to employee's Department Director;
 - 6.1.2. Accurately completing the Candidacy for Elective Office Questionnaire within seven calendar days after receiving it from the HR Director or designee and any necessary forms associated with this policy within the time frames established by the HR Director or designee;
 - 6.1.3. Cooperating fully with any requests made by the HR Director or designee and the Department Director in order to administer this policy; and
 - 6.1.4. Refraining from participation in campaign activities in a City uniform or any other indicia that would convey he or she is acting on behalf of the City.
- 6.2. The HR Director's responsibilities include:
 - 6.2.1. Providing employees seeking a public elective office the necessary forms associated with this policy upon receiving written notice of an employee's candidacy;
 - 6.2.2. Notifying the candidate's Department Director if the candidate fails to return the Candidacy for Elective Office Questionnaire to the HR Director or designee within seven calendar days;
 - 6.2.3. Reviewing completed forms associated with this process to determine if the employee's candidacy poses a conflict of interest with the employee's City employment;
 - 6.2.4. Making a report of findings and recommendation(s) to the Department Director regarding the candidate and whether the candidacy poses a conflict of interest with the employee's City employment;
 - 6.2.5. Reviewing and making recommendation(s) to the Department Director and/or Mayor on any corrective action when the HR Director determines an employee violates this policy; and
 - 6.2.6. Developing forms necessary to administer this policy.
- 6.3. The employee's Department Director's responsibilities include:
 - 6.3.1. Reviewing the HR Director's report of findings and recommendation(s) on whether the employee's candidacy poses a conflict of interest with the employee's City employment;
 - 6.3.2. Reporting a conflict of interest with the employee's City employment, and forwarding the HR Director's report of such findings and recommendation(s) to the Mayor together with the Department Director's recommendation(s) for the Mayor's final determination; and

- 6.3.3. Referring City employees' election or campaign activities that involve the use of City funds, equipment, personnel, or employment privileges to the HR Director for review and recommended corrective action.

7. PROCEDURES

- 7.1. The following process shall be used to determine whether the employee's candidacy poses a conflict of interest with the employee's City employment:
 - 7.1.1. The employee seeking a public elective office shall make his/her candidacy known in writing to the HR Director, at least 14 calendar days prior to the announcement of their candidacy.
 - 7.1.2. Upon written notification from an employee seeking a public elective office, the HR Director or designee shall send the employee the Candidacy for Elective Office Questionnaire.
 - 7.1.3. The employee shall complete the Candidacy for Elective Office Questionnaire and return it to the HR Director within seven calendar days. The HR Director or designee may grant an extension in the HR director's or designee's discretion.
 - 7.1.4. Upon receipt of the completed Candidacy for Elective Office Questionnaire, the HR Director or designee shall review the facts, consult with the appropriate designee in the Legal Department, if necessary, and shall make a report of findings and recommendation(s) regarding whether a conflict exists with the employee's City employment.
 - 7.1.5. The HR Director shall send the report of his/her findings and recommendation(s) to the candidate's Department Director.
 - 7.1.6. If the HR Director's report contains no finding of a conflict and the employee's Department Director concurs, then the HR Director shall provide the employee with a copy of the report of findings and recommendation(s).
 - 7.1.7. If the HR Director determines there is a conflict of interest with the employee's City employment and the employee's Department Director concurs, then the Department Director shall forward the HR Director's report of findings and recommendation(s) to the Mayor with the Department Director's recommendation(s).
 - 7.1.8. The Mayor or designee will review the recommendation(s) of the HR Director and the employee's Department Director and accept, reject, or modify it, or ask for additional information.
 - 7.1.9. Upon completion of the process, the HR Director shall notify the employee of the results.
- 7.2. If it is determined that no conflict of interest exists and the employee is subsequently elected to the office sought, the same procedures outlined in 7.1 shall be followed to determine if holding the public elective office itself presents a conflict of interest with the employee's City employment.
- 7.3. The HR Director or designee shall maintain a log of employees seeking public elective office which shall include at least the employee name, employee number, department, date of notification, public elective office being sought, compensation of public elective office, date(s) of the election, along with any other tracking information available.

8. CONFLICT, REPEAL AND COMPLIANCE WITH LAWS.

- 8.1 This administrative policy supersedes Mayor's Policy 110.00, Seeking Elective Office. Mayor's Policy 110.00 is rescinded under separate document.

8.2 When provisions of these procedures conflict with a local, state or federal law, the law shall prevail.

9. RELATED DOCUMENTS AND INFORMATION

- Attachment A – Candidacy for Elective Office Questionnaire

10. POLICY SPONSOR

Department: Human Resources Department