

CHAPTER 65
POLITICAL ACTIVITY

[Prior to 11/5/86, Merit Employment Department [570]]

[Prior to 2/18/04, see 581—Ch 16]

11—65.1(8A) Political activity of employees. All employees have the right to express their opinions as individuals on political issues and candidates. Such expressions may be either verbal or demonstrative in the form of pictures, buttons, stickers, badges, pins, or posters. Employees' rights to express their opinions on political matters in this form or manner shall not be restrained while on duty unless:

65.1(1) It is a violation of the law; or

65.1(2) The display of such items would cause or constitute a real and present safety risk or would substantially and materially interfere with the efficient performance of official duties; or

65.1(3) The employee has substantial contact with the public and the level of trust and confidence associated with the employee's position is perceived to be such that political expressions in any form, while on duty, might influence the public.

11—65.2(8A) Restrictions on political activity of employees. All employees are prohibited from:

65.2(1) Using the influence of their positions, public property, or supplies to secure contributions or to influence an election for any political party or any person seeking political office.

65.2(2) Soliciting or receiving anything of value in excess of the limits in Iowa Code section 68B.5 as a political contribution or subterfuge for a contribution from any other person for any political party or any person seeking political office during scheduled working hours, while on duty, when using state equipment, or on state property.

65.2(3) Promising or using influence to secure public employment or other benefits financed from public funds as a reward for political activity.

65.2(4) Discriminating in favor of or against any employee or applicant on account of their political contributions or permitted political activities.

Employees of the alcoholic beverages division of the department of commerce, in addition to the foregoing subrules, are subject to the prohibitions set forth in Iowa Code section 123.13. All employees are further subject to the provisions of Iowa Code chapter 721.

[ARC 4053C, IAB 10/10/18, effective 11/14/18]

11—65.3(8A) Application of Hatch Act. In addition to the restrictions set forth in rules 11—65.1(8A) and 11—65.2(8A), employees occupying state positions wholly funded by federal "grant-in-aid" or other specific federal funding are subject to the provisions of the federal Hatch Act. Where compliance with the political restrictions of the Hatch Act is required for the receipt of federal funds, the appointing authority shall identify those state positions so covered. The employees under those further political activity restrictions shall be made aware of the additional restrictions by posting or other written notification from the appointing authority.

Persons found by proper authority to have violated the provisions of the federal Hatch Act are subject to summary discharge.

[ARC 2000C, IAB 5/27/15, effective 7/1/15]

These rules are intended to implement Iowa Code sections 8A.413, 8A.416 and 8A.418.

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