

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 05-07

ORDINANCE NO. 05-07

**AN ORDINANCE OF THE CITY OF JEANNETTE,
WESTMORELAND COUNTY, PENNSYLVANIA REGULATING
THE ABILITY OF CIVIL SERVICE EMPLOYEES TO ENGAGE
IN POLITICAL ACTIVITIES AND IMPOSING DISCIPLINE FOR
VIOLATIONS THEREOF**

WHEREAS, the City of Jeannette appoints and employs personnel in its Fire and Police Department through the Civil Service Provisions of the Third Class City Code; and

WHEREAS, the government of the United States of America has adopted legislation precluding certain governmental employees from engaging in political activity through legislation known as the Hatch Act; and

WHEREAS, the Commonwealth of Pennsylvania has adopted similar legislation precluding State Civil Service Employees from engaging in political activity in Chapter 4 of the State Civil Service Law as set forth in 71 P.S. §741.905(b), commonly known as the “Mini-Hatch Act”; and

WHEREAS, the Council of the City of Jeannette, for those reasons giving rise to the enactment of the Hatch Act and the Mini-Hatch Act, believe it is inappropriate for its Civil Service employees to engage in political activity as set forth hereafter for the benefit of current elected officials or candidates for public office; and

WHEREAS, the Council of the City of Jeannette desires to adopt this Ordinance precluding the ability of Local Civil Service employees from engaging in political activity now and in the future, consistent with the terms of 71 P.S. §741.905(b).

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE, AT A DULY ADVERTISED PUBLIC MEETING, HEREBY ORDAINS AND ENACTS AS FOLLOWS:

SECTION I – PROHIBITED POLITICAL ACTIVITY:

A. No person hired under the Civil Service Provisions of the Third Class City Code within the City of Jeannette shall use his official authority or influence for the purpose of interfering with or affecting the result of an election.

B. No person hired under the Civil Service Provisions of the Third Class City Code within the City of Jeannette shall take an active part in political management or in a political campaign. Activities prohibited by this subsection include, but are not limited to, the following activities:

1. Serving as an officer of a political party, a member of a National, State or local committee of a political party or an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.
2. Organizing or reorganizing a political party organization or political club.
3. Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.
4. Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party, or political club.
5. Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office.
6. Becoming a candidate for, or campaigning for, an elective public office in a partisan election.
7. Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office.
8. Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in a partisan election.
9. Driving voters to the polls on behalf of a political party or a candidate in a partisan election.
10. Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature or similar material.
11. Serving as a delegate, alternate or proxy to a political party convention.

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12. Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.
13. Initiating or circulating a partisan nominating petition.
14. Soliciting, paying, collecting or receiving a contribution at or in the workplace from any employee for any political party, political fund or other partisan recipient.
15. Paying a contribution at or in the workplace to any employee who is the employer or employing authority of the person making the contribution for any political party, political fund or other partisan recipient.

C. An employee or individual to whom subsection (a) or (b) applies retains the right to vote and to express an opinion on political subjects and candidates, and may engage in the following activities:

1. Register and vote in any election.
2. Express an opinion as an individual privately and publicly on political subjects and candidates.
3. Display a political picture, sticker, badge or button when not on duty and at locations other than the workplace.
4. Participate in the nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization.
5. Be a member of a political party or other political organization or club and participate in its activities to the extent consistent with this section.
6. Attend a political convention, rally, fund-raising function or other political gathering.
7. Sign a political petition as an individual.
8. Make a financial contribution to a political party or organization.
9. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.

10. Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity as an employee or the neutrality, efficiency or integrity of the City.

D. Notwithstanding anything in this section or any other act to the contrary, no person shall be deemed ineligible for the office of school director solely on the basis that such person is hired under the Civil Service Provisions of the Third Class City Code within the City of Jeannette.

E. Nothing in the provisions of Subsection "C" above of this Ordinance shall be deemed or construed to authorize a person hired under the Civil Service Provisions of the Third Class City Code within the City of Jeannette to engage in political activity while on duty or while in a uniform that identifies him as an employee. The head of any Department employing a person hired under the Civil Service Provisions of the Third Class City Code within the City of Jeannette, may prohibit or limit the participation of an employee or class of employees of the Department in an activity permitted by subsection "C" above, if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interest.

SECTION II – DISCIPLINARY ACTIONS FOR VIOLATIONS

A. Any person hired under the Civil Service Provisions of the Third Class City Code within the City of Jeannette who violates this section shall be discharged and removed from employment and funds appropriated for the position from which the employee is removed may not be used thereafter to pay the employee or individual: Provided, however, that the Council of the City of Jeannette, at its discretion and following hearing under the terms of the Third Class City Code set forth in 53 P.S. §39408 may impose a penalty of suspension with or without pay of not more than thirty (30) working days, if it finds that the violation does not warrant termination.

SECTION III - DEFINITIONS

A. As used in this Ordinance, the following words and phrases shall have the meanings given to them in this subsection:

1. "CANDIDATE" means any person seeking a position referenced in this Ordinance regardless of whether such person is an incumbent, seated elected official or other person seeking such position.
2. "CITY" means the City of Jeannette or any department thereof who employs persons hired under the Civil Service Provisions of the Third Class City Code.

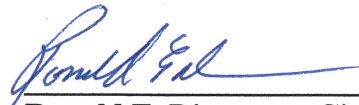
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3. "CONTRIBUTION" means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, or by pledge or promise, whether or not enforceable, or otherwise.
4. "ELECTION" means a primary, municipal, special and/or a general election.
5. "EMPLOYEE" means a person hired under the Civil Service Provisions of the Third Class City Code within the City of Jeannette.
6. "EMPLOYER" means the Mayor and/or Council of the City of Jeannette, a Head or person in charge of a Department in which and employee is employed or an employee's supervisor.
7. "Partisan" when used as an adjective refers to a political party.
8. "Political fund" means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or any other entity.

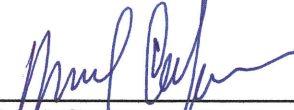
THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A DULY ADVERTISED PUBLIC MEETING HELD THE 13th DAY OF JULY 2005, AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE

BY: 

**Michael Cafasso, Mayor and
President of Council**