

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 771 Session of 2015

INTRODUCED BY MASSER, COHEN, SCHLOSSBERG, MILLARD, DUSH,
GINGRICH AND McCARTER, MARCH 10, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2015

AN ACT

1 Amending the act of August 5, 1941 (P.L.752, No.286), entitled
2 "An act regulating and improving the civil service of certain
3 departments and agencies of the Commonwealth; vesting in the
4 State Civil Service Commission and a Personnel Director
5 certain powers and duties; providing for classification of
6 positions, adoption of compensation schedules and
7 certification of payrolls; imposing duties upon certain
8 officers and employes of the Commonwealth; authorizing
9 service to other State departments or agencies and political
10 subdivisions of the Commonwealth in matters relating to civil
11 service; defining certain crimes and misdemeanors; imposing
12 penalties; making certain appropriations, and repealing
13 certain acts and parts thereof," in prohibitions, penalties
14 and enforcement, further providing for political activity.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 905.2(b), (c) and (e) of the act of
18 August 5, 1941 (P.L.752, No.286), known as the Civil Service
19 Act, added June 26, 1989 (P.L.47, No.10), are amended and the
20 section is amended by adding a subsection to read:

21 Section 905.2. Political Activity.--* * *

22 [(b) No person in the classified service shall take an
23 active part in political management or in a political campaign.
24 Activities prohibited by this subsection include, but are not

1 limited to, the following activities:

2 (1) Serving as an officer of a political party, a member of
3 a National, State or local committee of a political party or an
4 officer or member of a committee of a partisan political club,
5 or being a candidate for any of these positions.

6 (2) Organizing or reorganizing a political party
7 organization or political club.

8 (3) Directly or indirectly soliciting, receiving,
9 collecting, handling, disbursing or accounting for assessments,
10 contributions or other funds for a partisan political purpose.

11 (4) Organizing, selling tickets to, promoting or actively
12 participating in a fund-raising activity of a candidate in a
13 partisan election or of a political party, or political club.

14 (5) Taking an active part in managing the political campaign
15 of a candidate for public office in a partisan election or a
16 candidate for political party office.

17 (6) Becoming a candidate for, or campaigning for, an
18 elective public office in a partisan election.

19 (7) Soliciting votes in support of or in opposition to a
20 candidate for public office in a partisan election or a
21 candidate for political party office.

22 (8) Acting as recorder, watcher, challenger or similar
23 officer at the polls on behalf of a political party or a
24 candidate in a partisan election.

25 (9) Driving voters to the polls on behalf of a political
26 party or a candidate in a partisan election.

27 (10) Endorsing or opposing a candidate for public office in
28 a partisan election or a candidate for political party office in
29 a political advertisement, a broadcast, campaign, literature or
30 similar material.

1 (11) Serving as a delegate, alternate or proxy to a
2 political party convention.

3 (12) Addressing a convention, caucus, rally or similar
4 gathering of a political party in support of or in opposition to
5 a partisan candidate for public office or political party
6 office.

7 (13) Initiating or circulating a partisan nominating
8 petition.

9 (14) Soliciting, paying, collecting or receiving a
10 contribution at or in the workplace from any employe for any
11 political party, political fund or other partisan recipient.

12 (15) Paying a contribution at or in the workplace to any
13 employe who is the employer or employing authority of the person
14 making the contribution for any political party, political fund
15 or other partisan recipient.]

16 (c) An employe or individual to whom subsection (a) [or (b)]
17 applies retains the right to vote and to express an opinion on
18 political subjects and candidates, and may engage in the
19 following activities:

20 (1) Register and vote in any election.

21 (2) Express an opinion as an individual privately and
22 publicly on political subjects and candidates.

23 (3) Display a political picture, sticker, badge or button
24 when not on duty and at locations other than the workplace.

25 (4) Participate in the nonpartisan activities of a civic,
26 community, social, labor or professional organization, or of a
27 similar organization.

28 (5) Be a member of a political party or other political
29 organization or club and participate in its activities to the
30 extent consistent with this section.

1 (6) Attend a political convention, rally, fund-raising
2 function or other political gathering.

3 (7) Sign a political petition as an individual.

4 (8) Make a financial contribution to a political party or
5 organization.

6 (9) Be politically active in connection with a question
7 which is not specifically identified with a political party,
8 such as a constitutional amendment, referendum, approval of a
9 municipal ordinance or any other question or issue of a similar
10 character.

11 (10) Otherwise participate fully in public affairs, except
12 as prohibited by law, in a manner which does not materially
13 compromise efficiency or integrity as an employe or the
14 neutrality, efficiency or integrity of a Commonwealth agency.

15 (c.1) In addition to the activities permitted under
16 subsection (c), a person in the classified service may take an
17 active part in political management or in a political campaign.
18 Activities permitted include, but are not limited to, the
19 following:

20 (1) Serving as an officer of a political party, a member of
21 a national, State or local committee of a political party or an
22 officer or member of a committee of a partisan political club,
23 or being a candidate for any of these positions.

24 (2) Organizing or reorganizing a political party
25 organization or political club.

26 (3) Directly or indirectly soliciting, receiving,
27 collecting, handling, disbursing or accounting for assessments,
28 contributions or other funds for a partisan political purpose.

29 (4) Organizing, selling tickets to, promoting or actively
30 participating in a fund-raising activity of a candidate in a

1 partisan election or of a political party or political club.

2 (5) Taking an active part in managing the political campaign
3 of a candidate for public office in a partisan election or a
4 candidate for political party office.

5 (6) Becoming a candidate for, or campaigning for, an
6 elective public office in a partisan election.

7 (7) Soliciting votes in support of or in opposition to a
8 candidate for public office in a partisan election or a
9 candidate for political party office.

10 (8) Acting as recorder, watcher, challenger or similar
11 officer at the polls on behalf of a political party or a
12 candidate in a partisan election.

13 (9) Driving voters to the polls on behalf of a political
14 party or a candidate in a partisan election.

15 (10) Endorsing or opposing a candidate for public office in
16 a partisan election or a candidate for political party office in
17 a political advertisement, a broadcast, campaign, literature or
18 similar material.

19 (11) Serving as a delegate, alternate or proxy to a
20 political party convention.

21 (12) Addressing a convention, caucus, rally or similar
22 gathering of a political party in support of or in opposition to
23 a partisan candidate for public office or political party
24 office.

25 (13) Initiating or circulating a partisan nominating
26 petition.

27 * * *

28 (e) Subsection (c) or (c.1) does not authorize an employe to
29 engage in political activity while on duty or while in a uniform
30 that identifies him as an employe. The head of an agency may

1 prohibit or limit the participation of an employe or class of
2 employes of the agency in an activity permitted by subsection
3 (c) or (c.1), if participation in the activity would interfere
4 with the efficient performance of official duties or create a
5 conflict or apparent conflict of interests. An employe may not
6 do any of the following:

7 (1) Solicit, pay, collect or receive a contribution at or in
8 the workplace from any employe for any political party,
9 political fund or other partisan recipient.

10 (2) Pay a contribution at or in the workplace to any employe
11 who is the employer or employing authority of the person making
12 the contribution for any political party, political fund or
13 other partisan recipient.

14 * * *

15 Section 2. This act shall take effect in 60 days.