



**S.B. 246**

127th General Assembly  
(As Introduced)

Sens. Sawyer, Bocchieri, D. Miller, R. Miller, Wilson, Seitz

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**BILL SUMMARY**

- Authorizes classified employees to engage in political activities during nonworking hours.
- Broadens the prohibition against coercion or harassment of classified employees for political purposes.
- Grants an aggrieved officer or employee a cause of action against the alleged offender.
- Authorizes the State Personnel Board of Review and local civil service commissions to investigate and report on such coercion or harassment.

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**CONTENT AND OPERATION**

**Political activity of classified employees during nonworking hours**

**Prohibitions**

Current law places restrictions on the political activity of officers and employees in the classified civil service of the state, counties, cities, city school districts, and civil service townships. These officers and employees may not, directly or indirectly, orally or by letter, solicit or receive, or in any manner be concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office. The bill replaces the reference to "for any candidate for public office" in this prohibition with "for any nonpartisan or partisan political purpose" and limits the prohibition to *on duty* time or times when the officers or employees are engaged in their *official duties*. (R.C. 124.57(A)(1).) For purposes of this prohibition and the others mentioned below, the bill states that "on duty" does not include meal times, vacations, approved

leaves, or any time before or after an officer's or employee's working hours (R.C. 124.57(E)).

Similarly, current law prohibits any person from soliciting contributions, "payments," or assessments from officers or employees in the classified civil service of the state or the specified political subdivisions. The bill retains this prohibition but replaces the term "payments" with "subscriptions" to parallel the first prohibition and limits its application to times when an officer or employee is on duty or engaged in official duties. (R.C. 124.57(A)(2).)

Also, under current law, an officer or employee in the classified civil service of the state or the specified political subdivisions may not be an officer in any political organization or take part in politics other than "to vote as the officer or employee pleases and to express freely political opinions." The bill replaces this prohibition with one against engaging, during hours while on duty or engaged in official duties, in any form of political activity calculated to favor or improve the political fortune of any political party or the candidacy of any person seeking or attempting to hold partisan political office. (R.C. 124.57(A)(3).)

Accordingly, the bill generally allows officers and employees in the classified civil service to engage in political activities during nonworking hours.

### **Sanctions and exceptions**

The bill generally provides that any violation of a prohibition described above is a ground for reduction in pay or position, suspension, or removal under the Civil Service Law's existing disciplinary procedures (R.C. 124.57(B)). But, it retains existing exemptions from the prohibitions for officers or employees who serve as precinct election officials and for employees of the Ohio Cooperative Extension Service whose position is transferred from the unclassified civil service to the classified civil service, who also hold the office of president of a city legislative authority, and who complete the existing term of office as president (R.C. 124.57(D)).

### **Caveat--federal funds**

The bill provides that the revised prohibitions do not authorize an officer or employee in the classified civil service to engage in any activity that may result in the withholding of federal funds from his or her appointing authority. Each appointing authority that receives federal funds that might be withheld as a result of the political activity of its officers or employees in the classified civil service must notify them of those activities that can result in the withholding of federal funds and provide them with the federal code provision or administrative rule that sets forth the limitations on the political activity. (R.C. 124.57(C).)

## *Abuse of official power for political purposes*

### *Prohibition*

Current law prohibits any officer or employee of the state or a county, city, city school district, or civil service township from (1) appointing, promoting, reducing, suspending, laying off, discharging, or in any manner changing the official rank or compensation of any officer or employee in the classified service, or promising or threatening to do so, or (2) harassing, disciplining, or coercing any such officer or employee, for giving, withholding, or refusing to support *any party.*" The bill expands the prohibition by applying it to any *person*, not merely an officer or employee of the state or a specified political subdivision, and it provides that the prohibition applies to actions done "directly or indirectly." The bill further expands the prohibition to include any of the acts specified in (1) or (2) above committed against an officer or employee in the classified civil service for giving support to, withholding support from, or refusing to give support to a *candidate* for or *holder* of a public office, or any *partisan* or nonpartisan *policy issue* presented for public vote in the form of a constitutional amendment, statute, or repeal of a statute. (R.C. 124.60(A).)

### *Remedies*

Under the bill, an officer or employee aggrieved by a described abuse of official power for political purposes may file a complaint with the State Personnel Board of Review or the municipal or civil service township civil service commission, which then must proceed with an investigation as described below (R.C. 124.60(B)). Additionally, the bill grants an aggrieved officer or employee a cause of action for compensatory and punitive damages against the alleged offender (R.C. 124.60(C)).

### *Investigation of abuse of official power*

Under current law, the State Personnel Board of Review or the appropriate municipal or civil service township civil service commission must conduct an investigation if it has reason to believe that any officer, board, commission, head of a department, or person having the power of appointment, layoff, suspension, or removal abuses that power in violation of the Civil Service Law. If an investigation shows a violation, the law provides for the potential removal of the guilty person, after being afforded an opportunity for a public hearing. (R.C. 124.56.)

The bill adds the actions of a *supervisor* to the above list of potential offenders, adds "promotion" and "reduction" as other types of conduct constituting an abuse of power generally, and specifically applies the procedure to an abuse of

power in the form of direct or indirect (1) appointment, promotion, reduction, suspension, layoff, discharge, or change in official rank or compensation, or promise or threat to do so, or (2) harassment, discipline, or coercion, of an officer or employee in the classified civil service by any of the listed individuals or public bodies in violation of the bill's expanded "*Abuse of official power for political purposes*" prohibition (R.C. 124.56(A)). And, as an alternative to the continuing potential removal of an offender penalty, the bill provides for an offender's potential *suspension*, after being afforded an opportunity for a public hearing (R.C. 124.56(B)).

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## HISTORY

ACTION	DATE
Introduced	11-01-07

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