



NEBO SCHOOL DISTRICT ADMINISTRATIVE DIRECTIVE

Directive
No.
5.6

SECTION: EMPLOYEES
TITLE: EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITIES
DATE: AUGUST 2020
SUPERINTENDENT APPROVAL: 

1. OVERVIEW

District Employees are also private citizens who have the same fundamental civic responsibilities and privileges as other citizens. On their own time, employees may seek and hold public office, campaign for and support other candidates for public office, and campaign for and support ballot propositions. However, Utah law places certain restrictions on the use of public resources for political purposes. This directive sets forth permissions and restrictions related to employee engagement in political activities.

2. DEFINITIONS

- 2.1. "Ballot proposition" means a question or proposition submitted to voters for approval or rejection under applicable election laws and includes constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, and other questions not prohibited by law.
- 2.2. "Influence" means to campaign or advocate for or against a ballot proposition. Influence does not mean providing a brief statement about the District's position (not an individual employee's position) on a ballot proposition and the reason for that position. Likewise, influence does not mean the presentation of information about a ballot proposition, such as a bond.
- 2.3. "Political purpose" means an act done with the intent or in a way to influence, or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any
 - 2.3.1. candidate for municipal, county, or public office at any caucus, political convention, or election, including a primary, regular, or special election; or
 - 2.3.2. judge standing for retention at any election.
- 2.4. "Political purpose" does not include a brief statement by the superintendent or designee, written or otherwise, about the District's position on a ballot proposition and the reason for that position. UTAH CODE ANN. § 20A-11-1202(8)(b).
- 2.5. "Political purpose" does not include objective information about a ballot proposition, such as a bond.
- 2.6. "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, or other office identified by the Utah Election Code.

3. EMPLOYEES IN PUBLIC OFFICE

- 3.1. An employee seeking public office should notify his or her supervisor of the specific office sought and discuss how it may interfere with the employee's ability to perform his or her job. If the public office is likely to limit the employee's ability to fulfill his or her job responsibilities, the employee and/or supervisor should notify the superintendent before the election or appointment takes place.

- 3.2. After an employee is elected or appointed to a public office that will affect the employee's ability to do his or her job, the employee shall meet with the superintendent or designee to determine modified terms and conditions of employment that will permit the employee to serve in the public office.
- 3.3. The District must balance fairness to an employee's salary and benefits with its commitment to fiscal responsibility and an exceptional educational experience for students. Striking this balance may require an increase in the amount of unpaid time off granted to employees in public office.
 - 3.3.1. Employees on the Utah State Board of Education (USBE) may be granted up to twenty (20) days of unpaid leave per year for USBE service.
 - 3.3.2. Employees in the Utah Legislature may be granted up to sixty (60) days of unpaid leave per year for legislative service.
- 3.4. In addition to the unpaid leave granted under subsection 3.3, the District will continue to grant the employee leave for which the employee is eligible under the applicable employee handbook.
- 3.5. When an employee uses unpaid leave, the employee's salary or wages will be deducted according to the employee's daily rate of pay, but the employee will not be deducted the cost of a substitute for unpaid leave used for public office.
- 3.6. The employee will continue to receive all other benefits to which the employee is otherwise entitled.
- 3.7. Additional unpaid leave for attendance at workshops or conferences related to an employee's service in public office that are also beneficial for the employee's work in the District may be approved by the Superintendent. An employee seeking this additional leave must first discuss the specific workshop or conference with the employee's immediate supervisor and director.
- 3.8. Deviation from this model may be approved only by the superintendent.

4. NO USE OF DISTRICT RESOURCES, INCLUDING EMAIL

- 4.1. In general, Utah law prohibits the expenditure of public funds for political purposes or to influence a ballot proposition, and a public official found to have done so is guilty of a class B misdemeanor. UTAH CODE ANN. § 20A-11-1203. Employees may not use school or District resources such as equipment (fax machines, copy machines, etc.), electronic resources (official websites or social media accounts, email, etc.), facilities (mailboxes, desks, display cases, etc.), office supplies, vehicles, or any other resource to influence a person to either refrain from voting or to vote for or against any particular candidate, judge, or ballot proposition.
- 4.2. Consistent with Nebo School District Policy KACA, *School Advertising Restrictions*, buildings and grounds may not be used for political advertising except when used in accordance with a facility use agreement under Nebo School District Policy KA, *School Facility Use*.
- 4.3. Utah law imposes a civil fine against a person who sends an email using the email system of a public entity for a political purpose, to advocate for or against a ballot proposition, or to solicit a campaign contribution. Thus, employees may not use their Nebo email address to send or forward such emails. Employees who violate this provision may be subject to a \$250 fine for the first offense and a \$1,000 fine for each subsequent offense. The fines are imposed by the applicable election officer, not the District. UTAH CODE ANN. § 20A-11-1205.
- 4.4. Employees may not use or provide photos or videos of students on school or District property for political purposes.
- 4.5. Employees may not use school or District logos for political purposes.

- 4.6. Employees must remain neutral in their official capacity as they interact with students. Employees must exercise extreme diligence in separating personal political views from official District duties, especially while on the job.

5. PERMITTED ACTIVITIES

- 5.1. Notwithstanding the prohibitions above, the superintendent or designee may provide factual information about a ballot proposition to the public. UTAH CODE ANN. § 20A-11-1206. Nothing in this Directive prohibits the use of District resources by the superintendent or designee to provide such factual information to the public.
- 5.2. Notwithstanding the prohibitions above, the superintendent or designee may provide a brief statement about the District's position on a ballot proposition and the reason for that position.
- 5.3. Nothing in this Directive is intended to abridge an employee's First Amendment right to freedom of speech as a private citizen while not performing official employment responsibilities.