

# TECHNICAL UPDATE



Volume 26 Number 26

June 29, 2022

## Campaigning on the Job

A February 2020 Gartner survey on politics found that 78% of workers discuss politics at work. Thirty-one percent of employees surveyed said these discussions were stressful and frustrating, while 36% reported avoiding talking to or working with specific co-workers because of their political views. Politics can be divisive, and it is best avoided in the workplace. Employers can establish employment policies to help prevent politics-related conflict.

### WHAT ABOUT FREE SPEECH?

It is a common misconception that political campaigning at work is protected under free speech; however, free speech protections apply only to state action. Employers have the right to regulate political discussion in the workplace and should consider creating a Political Activity Policy. The following is an excerpt from a sample CTSI Political Activity policy:

*Employees, other than elected officials, may participate in County political campaigns only on their own time. No elected or appointed officials may solicit or receive political contributions for any candidate or issue in a County election while performing County duties. Employees may privately express their opinions regarding County elections and are encouraged to vote in all County elections. They may provide objective election information to the public in the routine performance of their official duties. No employee may coerce, or attempt to coerce, another employee, or use his/ her official authority or influence for the purpose of interfering with or affecting the result of a nomination or election of any elected official. No County employee will be rewarded, disciplined, or otherwise subjected to special treatment for reasons of political favor or disfavor.*

### WHAT ARE MY RIGHTS?

The state of Colorado offers the following protections to employees regarding political acts: Employers are prohibited from 1) controlling the actions of employees in casting their votes; 2) refusing to allow an employee to take time off to vote; 3) enclosing in employees' pay envelopes threatening political mottoes or arguments intended to influence employees; 4) within 90 days of an election, exhibiting in the workplace any notice indicating that work will cease or wages will be reduced if a particular ticket or candidate is elected; and 5) forbidding or preventing employees from participating in politics or serving in public office.

### WHAT SHOULD THE POLICY INCLUDE?

When implementing a Political Activity Policy, it is important to apply it equally to all employees. Any exceptions to the ban can expose your organization to risk (e.g., wrongful discipline/discharge claims) if one employee is disciplined for violating the policy while another is not. Remember, the right to vote for the candidate of your choice is protected; however, employees do not have the right to campaign for that candidate during work hours. This includes wearing campaign branded items (e.g., hats, t-shirts, buttons, etc.) or displaying campaign materials in the workspace.

### WHAT THIS MEANS FOR COUNTIES

Each election cycle brings the temptation to bring personal politics into the office; however, political discourse in the workplace is disruptive and can lead to lost productivity and foster a hostile work environment. Implement a Political Activity Policy to help prevent these problems from developing. To view CTSI's sample Political Activity Policies, visit <https://www.ctsi.org/sample-policy/political-activity-policy-sample>, or <https://www.ctsi.org/sample-policy/political-activity-policy-sample-1/>. For more information on creating this policy, please contact CTSI at 303 861 0507.

County Technical Services, Inc.

800 N Grant St, Suite 400  
Denver, CO 80203

Technical Updates are available online at [ctsi.org](http://ctsi.org)

(303) 861-0507  
Fax: (303) 861-2832