

## FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

## PERSONNEL

**POLITICAL ACTIVITIES OF EMPLOYEES****Policy Statement**

The Fresno County Superintendent of Schools (FCSS) recognizes the importance of political activity, voting, and civic engagement, and respects the right of its employees to engage in political discussions and activities as individuals on their own time and at their own expense. Therefore, to ensure any political activity is an expression of the individual, acting on their own behalf and not as a representative of the FCSS or the County Board of Education, the following shall be the FCSS policy regarding political activities of county office employees.

Employees shall refrain from prohibited political activities identified in law, the FCSS and County Board policy, and administrative regulations, including but not limited to SP/BP 1160 – Political Processes. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time.

**County Superintendent employees shall not:**

1. Use FCSS funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the County Superintendent or County Board (Government Code 8314).
2. Use the FCSS's or County Board's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the FCSS, County Board, or a County Board member (Elections Code 18304).
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions.
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures.
5. Use FCSS equipment for the preparation or reproduction of political campaign materials.
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on FCSS or County Board property.
7. Disseminate political campaign materials through the FCSS mail service, e-mail, or staff mailboxes.

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8. Use students to write, address, or distribute political campaign materials.
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives.
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time.

**Political Activities of Employee Organizations**

Employee organizations shall not use FCSS funds, services, supplies, or equipment, such as staff mailboxes or the FCSS mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the County Superintendentcy or County Board.

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time.

**FCSS Support or Opposition to Legislation**

Any requests for FCSS official support or opposition, statements of FCSS support or opposition, or letters expressing FCSS support or opposition for legislation must be presented to and approved/signed by the County Superintendent.

Adopted: February 1, 2022

Amended: August 1, 2023

**Legal References**

Education Code

51520 Prohibited solicitations on school premises

Elections Code

18304 Prohibition against use of district seal in campaign literature

Government Code

3543.1 Rights of employee organizations

8314 Prohibition against use of public resources for campaign activity

82041.5 Definition of mass mailing

Penal Code

424 Punishment for misuse of public funds

Court Decisions

Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236  
San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822  
Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003  
California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383  
L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551  
Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731

Attorney General Opinions

84 Ops.Cal.Atty.Gen. 106 (2001)  
84 Ops.Cal.Atty.Gen. 52 (2001)  
77 Ops.Cal.Atty.Gen. 56 (1994)

Public Employment Relations Board Rulings

City of Sacramento, (2019) PERB Dec. No. 2702m  
Conejo Valley Unified School District, (2009) PERB Dec. No. 2054  
East Whittier School District, (2004) PERB Dec. No. 1727  
Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a  
San Diego Community College District, (2001) PERB Dec. No. 1467

**Management Resources**

Websites

CSBA: <http://www.csba.org>  
California Office of the Attorney General: <http://oag.ca.gov>  
Public Employment Relations Board: <http://www.perb.ca.gov>