



GOVERNMENT OF GUAM



**CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT**

2nd Floor Hakubotan Bldg.
E.T. Calvo Way, Tamuning 96913
P.O. Box 3156 Hagatna, Guam 96932
Tel: 647-1855/56 Fax: 647-1867

June 7, 2006

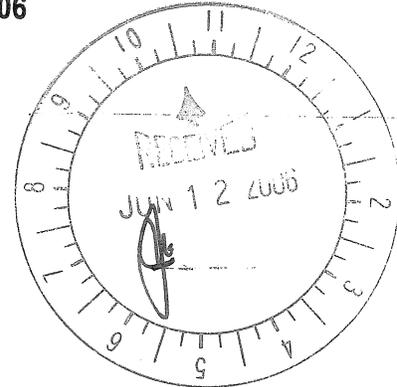
CSC NO. 06-107

MEMORANDUM

TO: The Executive and Judicial Branches
Government of Guam

FROM: Executive Director

SUBJECT: Prohibited Political Activity
RE: The Mini-Hatch Act



Hafa Adai! The political season is upon us. This is a friendly reminder from the staff of the Civil Service Commission that the Commission is committed to enforcing the Mini-Hatch Act.

Attached is a pamphlet that outlines the "do's and don'ts" of the Mini-Hatch Act. Please ensure that each of your employees know what is and what is not permitted. *Si Yu'us Ma'ase.*

Senseramente,

A handwritten signature in black ink, appearing to read "Vernon P. Perez".

VERNON P. PEREZ

Attachment
Pamphlet, Mini-Hatch Act



Know the Rules on Political Activity



What Employees May do

Government of Guam employees specifically retain the right to register and vote in an election. Political activity restrictions do not relieve you of your obligation as citizens to inform yourselves of the issues and to register and vote. **While not on duty and while not in uniform identifying yourself as an employee**, these are some of the permissible activities:

- ~ You have the right to express your opinions as an individual citizen privately and publicly on political issues and candidates;
- ~ You may display a political picture, sticker, badge or button;
- ~ You may participate in the non-partisan political activities of a civic community, social labor, professional or similar organization;
- ~ You may be a member of a political party or other political organization and participate in its activities;
- ~ You may attend a political convention, rally, fundraising function or other gathering;
- ~ You may sign a political petition as an individual citizen;
- ~ You may make, as an individual citizen, a contribution to or expenditure on behalf of a political party or organization or candidate;
- ~ You are free from any obligation to contribute to any political fund or to render any political service;
- ~ You may participate in political activities in connection with a question not specifically identified with a political party; for example, soliciting signatures for petition relative to changing working conditions or campaigning for an issue in a referendum; and
- ~ You may serve as a member of a precinct board or other election official who performs non-partisan duties under Title 3, GCA.

What Employees May Not Do

The general prohibitions on Government of Guam employees are that you may not use your official authority or influence to interfere with or affect the result of an election, and that you may not take an active part in partisan political management or in partisan political campaigns. These are some of the prohibited activities:

- ~ You may not serve as an officer of a political party, a member of a committee of a political party, an officer or member of a committee of a partisan political organization or be a nominee for such positions;
- ~ You may not organize or reorganize a political party, partisan organization or committee thereof;
- ~ You may not solicit, collect, handle, disburse, or account for assessments, contributions or other funds for a political party, partisan political organization or candidate;
- ~ You may not organize, sell tickets to, seek support for or actively participate in a fund-raising activity of a political party, partisan political organization or candidate;
- ~ You may not take an active part in managing the political campaign of a candidate;
- ~ You may not be a candidate;
- ~ You may not take an active part in an organized solicitation of votes in support of or in opposition to a candidate, including distributing campaign literature, badges or buttons;
- ~ You may not act as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, partisan political organization or candidate;
- ~ You may not drive voters to the polls on behalf of a political party, partisan political organization or candidate; You may not endorse or oppose a candidate in a political advertisement, a broadcast, campaign literature, a letter or article in a newspaper (signed or unsigned) or similar material;

- ~ You may not serve as a delegate, alternate or proxy to a political party convention;
- ~ You may not address a convention caucus, rally or similar gathering of a political party in support of or in opposition of a candidate or on a partisan political question;
- ~ You may not initiate or circulate a nominating petition for a candidate;
- ~ You may not discharge, promote, demote or change the compensation of any other employee or promise or threaten to do so, because said other employee advocates or fails to advocate through contribution, voting or otherwise, a candidate; and
- ~ You may not use government travel allowances, government transportation, government supplies or government facilities for the benefit of any political party, partisan political organization or candidate.

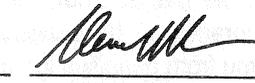
CSC OPINIONS Permitted Activities

- ~ You may during off-duty hours and while not in a Government of Guam uniform, or displaying any sort of employee identification, stand by a roadside and wave to passing motorists (with or without a political sign) on behalf of a political candidate. This is permitted as an individual expression of opinion but not as an active participant in an organized campaign effort of a political candidate.
- ~ You may, **except on work premises**, display a political picture, sticker, badge or button, bumper sticker or wear a T-shirt in support of a candidate; although a bumper sticker may be displayed at all times on your private vehicle.

Prohibited Activities

- ~ You may not volunteer the use of your residence for political campaign meeting or party; and
- ~ You may not help cook or serve food, help set up canopies or chairs for a political meeting or gathering; however, if you are merely attending the activity, you may offer friendly assistance if it is incidental and minimal.
- ~ You may not initiate or circulate a nominating petition in pursuit of your candidacy for election to office prior to your resignation from GovGuam employment.
- ~ You may not sell political fundraising lunches in GovGuam offices or facilities where GovGuam employees perform their official duties. This covers solicitation by any person whether or not an employee. Also, official duties include those Executive, Judicial and Legislative employees.


LUIS R. BAZA
Chairman


VERNON P. PEREZ
Executive Director

RESTRICTION AND PENALTY ON POLITICAL SOLICITATION

4 GCA, § 5106:

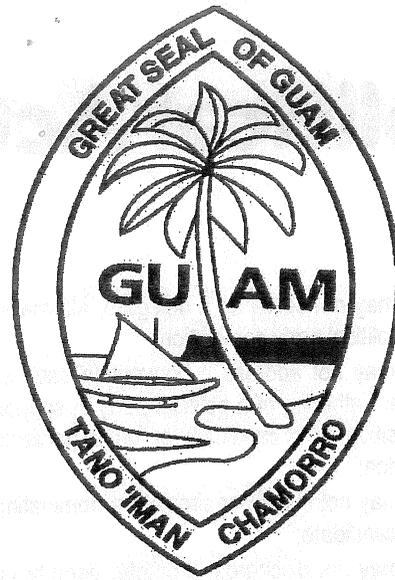
No person whether or not an employee, shall solicit or receive a contribution or distribute literature for any political purpose in any room or building occupied in the discharge of official duties by any person employed by the Executive, Legislative or Judicial Branches of the government of Guam. For purposes of this Section, soliciting a contribution includes solicitation by letter or circular addressed to and delivered to an employee in said room or building. Any person who violated this Section is guilty of a misdemeanor."

FOR MORE INFORMATION

If you are uncertain about whether a particular action you consider taking would violate the political activity rules, you should present the matter in writing to: The Office of the Civil Service Commission, P.O. Box 3156, Hagatna, Guam 96910. You should obtain a ruling on the matter before engaging in the activity, since ignorance of the provisions of the law will not excuse you from penalties for violations.

See Public Law 12-223 or 4 GCA, Chapter 5, §5101-5106 for the text of the law.

The head of a department or agency may prohibit or limit the participation of an employee of his department or agency in a permitted activity if such participation would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests.



4GCA, CHAPTER 5

POLITICAL ACTIVITY OF GOVGUAM EMPLOYEES



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Email: www.geocities.com/civilservicegovguam

POLITICAL ACTIVITY RESTRICTIONS PROTECT EMPLOYEES

Employees in the Executive Branch or in the Judicial Branch of the Government of Guam are protected by law from efforts to force them to give political service or tribute.

Title 4, Chapter 5, Guam Code Annotated (4 GCA), also known as the Mini-Hatch Act, provides that Government of Guam employees cannot take an active part in political management or in political campaigns. However, the Mini-Hatch Act does permit political activity that does not materially compromise their efficiency or integrity as employees or the neutrality, efficiency or integrity of their departments or agencies.

Who is covered?

In general, employees in the Executive Branch of the Government of Guam, including autonomous and semi-autonomous and agencies, or in the Judicial Branch, and whether in the classified or unclassified service are subject to political activity restrictions.

"Employees" includes a person on administrative, annual, or sick leave unless such person has resigned and has received a lump-sum payment for such leave. It includes persons not providing professional services for a specific fee who are hired on a temporary, part-time, emergency or casual basis.

Who is not covered?

A few exceptions are made, including the following:

- ~ A person holding elective office;
- ~ A special of Staff Assistant to the Governor;
- ~ A person appointed by the Governor with the consent of the Legislature;
- ~ A person retained from time to time to perform professional or special services for a specific fee; and
- ~ A person working on a casual basis on the days he performs no services.

All are covered under Section 5106

Everyone, whether or not they are an employee, is prohibited from any form of solicitation for any political purpose, in any Government of Guam room or building, whether it is within the Executive, Legislative or Judicial Branch.

NOTE: Any person who violates this section would be guilty of a misdemeanor.

See Section 5106 of 4 GCA, Chapter 5

INVESTIGATIONS BY CIVIL SERVICE COMMISSION

When any person has a reason to believe that an employee has violated any of the prohibited activities, he shall report the matter to the Civil Service Commission. On receipt of such report, or on receipt of such other information which seems to the Commission to warrant an investigation, the Commission shall investigate the matter in accordance with the provisions of the Administrative Adjudication Law, Title XXV of the Government Code of Guam, and the following:

- ~ All hearings shall be conducted before the entire Commission.
- ~ The decision of the Commission shall include a determination of whether a violation of the prohibited activities has occurred and whether a violation warrants the removal of the employee from his employment.