

**COUNTY OF MONROE  
OFFICE OF THE SHERIFF  
ROCHESTER, NEW YORK**

<b>GENERAL ORDER MULTI BUREAU</b>	<b>DATE OF ISSUE FEBRUARY 4, 2025</b>	<b>EFFECTIVE DATE FEBRUARY 4, 2025</b>	<b>NO. 114-25</b>
<b>SUBJECT: GENERAL ORDER  Political Activity and Hatch Act</b>		<b>DISTRIBUTION  All personnel</b>	<b>AMENDS</b>
<b>REFERENCE: 5 U.S.C. §§ 7321-7326</b>			<b>RESCINDS</b>

**Purpose:** To establish guidelines for participation in political activities that will be in compliance with applicable Federal, State, and local laws as well as rules and regulations and general orders of the Monroe County Sheriff's Office (MCSO). Additionally, to establish guidelines ensuring that members of MCSO do not engage in political activities that could violate the Hatch Act as outlined in 5 U.S.C. §§ 7321-7326, and any applicable state or local laws that reinforce federal compliance. Ensuring all members of the Sheriff's Office maintain the integrity of their positions while upholding federal and organizational standards

**Policy:** MCSO receives funding from the United States Government (USG) especially the United States Department of Justice (USDOJ). Acceptance of USG and USDOJ funding requires adherence to applicable Federal law and regulations such as the Hatch Act. For example, a deputy sheriff whose position is fully funded by federal grants cannot run for mayor as a candidate for recognized political party.

**Definitions:** **Hatch Act:** Limits certain political activities of federal employees, as well as some state, D.C., and local government employees who work in connection with federally funded programs. The law's purposes are to ensure that federal programs are administered in a nonpartisan fashion, to protect federal employees from political coercion in the workplace, and to ensure that federal employees are advanced based on merit and not based on political affiliation.

**I. Hatch Act**

A. Individuals employed by or associated with the Sheriff's Office who meet the following criteria are subject to the Hatch Act.

1. **Federally Funded Positions:** Employees whose salaries or job duties are funded, in whole or in part, by federal grants, loans, or other federal assistance programs. The Hatch Act applies to these employees because federal funds are tied to their roles.
2. **Authority and Influence:** Employees who hold positions of authority or influence within the organization (i.e., supervisors, senior officers, or elected officials) and may use their official capacity to impact political outcomes.
3. **Partisan Election Roles:** Employees engaged in activities or decisions related to partisan elections, even indirectly, to avoid conflicts of interest or misuse of authority.
4. **Elected Officials and Candidates:** Depending on the role's funding and scope, deputies, administrative staff, and others involved in federally funded programs are generally subject to the act.

B. Exceptions to the Hatch Act

Elected officials, such as sheriffs, are generally exempt unless their salary or position is directly tied to federal funding. However, this depends on specifics of the role and funding.

**II. Guidelines**

A. Prohibited Activities while On Duty or in Uniform

1. Employees are prohibited from engaging in political activities while on duty, in uniform, or while using any Sheriff's Office resources, including vehicles, equipment, or communication systems.
2. Prohibited activities include;
  - a. Campaigning for a political candidate or party.
  - b. Displaying campaign or partisan political materials\* in office or vehicles.
  - c. Using official email or communication systems to promote or oppose political candidates.

B. Prohibited Activities Regardless of Duty Status

Employees who work in roles funded by federal programs must not:

1. Be candidates in partisan political elections.
2. Solicit or receive contributions for political campaigns or partisan political purposes.
3. Use their official authority or influence with or affect election results.

C. Permitted Activities

While off duty and out of uniform, employees may:

1. Register to vote and vote in elections.
2. Express personal opinions on political subjects and candidates.
3. Participate in non-partisan political activities.
4. Attend political rallies, provided attendance is not in an official capacity or associated with their role in MCSO.

D. Use of Federal Funds

Federal Funds may not be used for any activity that violates the Hatch Act. Employees must report the use of federal funds for any program, ensuring compliance with grant conditions.

**III. Enforcement and Disciplinary Action**

A. Monitoring and Reporting

Supervisors are responsible for monitoring compliance within their units and must report suspected violations to the Sheriff or designated compliance officer.

B. Disciplinary Measures

1. Any violation of this policy may result in disciplinary action, as established in the applicable collective bargaining agreement, rules and regulations and policies.
2. Violations will also be reported to the U.S Office of Special Counsel (OSC), which has jurisdiction over Hatch Act complaints.

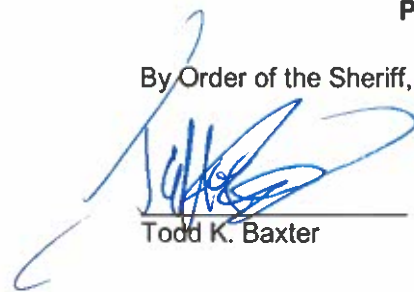
#### IV. Training Requirements

Training on the Hatch Act will be mandatory for all employees to ensure understanding and compliance at least biannually.

#### V. Guidance

- A. Employees may contact the MCSO Legal Counsel for clarification regarding general questions about political activity, specific activities and their permissibility under the Hatch Act.
- B. Employees who are unsure about a potential Hatch Act violation are encouraged to seek guidance before proceeding with any political activity.
- C. It is impossible to site every conceivable variation “partisan political materials,” that could result in a violation of the Hatch Act, to differentiate between a photo of a sitting president and political advertisement consider the Context and Intent of the Display:
  1. Official Representation vs. Political Advocacy:
    - a. Permissible: A neutral photograph of the sitting president in their capacity as a public official, such as an official White House portrait or a photo of the president attending a public/private law enforcement event. These can reflect respect for the office and are not inherently political.
    - b. Prohibited: Any image that includes campaign slogans, logos, or content endorsing or opposing the president’s political agenda, reelection, or party. This would constitute political advocacy.
  2. Placement and Purpose:
    - a. Permissible: A framed photo of the sitting president displayed alongside other official government figures, as part of a professional office setting, such as in reception areas or briefing rooms.
    - b. Prohibited: A standalone display prominently featuring the president in a way that could be perceived as promoting their political platform or campaign efforts.
  3. Visual and Textual Cues:
    - a. Permissible: Photos that do not contain explicit references to political parties, slogans, or campaign branding.
    - b. Prohibited: Materials with campaign language like “Re-elect [President]” or imagery used in campaign contexts.

By Order of the Sheriff,



---

Todd K. Baxter