

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Personnel</u> STATEMENT NUMBER <u>2.27</u>
SUBJECT: CAMPAIGNING, LOBBYING, AND POLITICAL ACTIVITIES PROPONENT: <u>Lisa Currier, Administrator</u> <i>Name/Title</i> <u>Human Resources</u> <u>271-5640</u> <i>Office</i> <i>Phone #</i>	EFFECTIVE DATE <u>4/15/13</u> REVIEW DATE <u>4/15/14</u> SUPERSEDES PPD# <u>2.27</u> DATED <u>04/15/09</u>
ISSUING OFFICER: _____ <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS: _____ DATE: _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

I. **PURPOSE:**

To provide guidance for departmental employees regarding political practices.

II. **APPLICABILITY:**

To all NH Department of Corrections employees.

III. **POLICY:**

It is the policy of the NH Department of Corrections to:

- A. Adhere to NH RSA 664:4-a Prohibited Coercion of Political Contributions (Attachment 1).
- B. Embrace the Executive Branch's Code of Ethics in governing any campaigning, lobbying and political activities (Attachment 2).
- C. Affirm the principles set forth in PPD 2.30 DOC Code of Ethics.

IV. **PROCEDURE:**

Employees of the NH Department of Corrections must adhere to the above requirements. Failure to abide by the above will result in disciplinary action in accordance with the NH Division of Personnel Administrative Rules.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards
2-CO-1A-29

Standards for Adult Correctional Institutions
Fourth Edition Standards
4-4024

Standards for Adult Probation and Parole Field Services
Third Edition Standards
3-4032

Standards for Adult Community Residential Services
Fourth Edition Standards
4-ACRS-7E-13

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Other:
NH Division of Personnel Admin. Rules

Contributions

Section 664:4-a

664:4-a Prohibited Coercion of Political Contributions. –

I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to give or withhold a contribution to any political campaign or political committee, or to any candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party.

II. No business organization, and no officer, director, executive, agent or employee acting in behalf of the business organization, and no enterprise representing or affiliated with one or more business organizations, and no officer, director, executive, agent or employee acting in behalf of such enterprise, shall knowingly coerce, or attempt to coerce, any employee of the business organization or of the enterprise, or any contractor or subcontractor or any employee of the contractor or subcontractor doing business with the business organization, to make a contribution to any political campaign or political committee, or to any candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party:

- (a) By means of the denial or deprivation, or the threat of the denial or deprivation, of any employment, position, or work in or for the business organization or enterprise.
- (b) By means of the denial or deprivation, or threat of the denial or deprivation, of the loss of any compensation, payment, or benefit from such employment, position, or work.
- (c) By means of the discharge, promotion, degradation, or change in any manner in the official rank or compensation of any employee, or by means of the promise or threat to do so, for giving or withholding a contribution.

Source. 1983, 415:2. 1987, 119:1. 1994, 216:2, eff. July 24, 1994.

State of New Hampshire

CODE OF ETHICS

The following Code of Ethics shall govern the conduct of all Executive Branch employees and officials.

- **I. Declaration of Policy**

It is hereby declared to be the policy of the state that no public official or employee of a state agency shall have any interest, financial or otherwise, direct or indirect, engage in any business transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties. To implement this policy and to enhance the faith and confidence of the people of the state in their government, this code of ethics sets forth standards of conduct required of officials and employees of the Executive Branch in the performance of their official duties.

It is declared to be the policy of the state that public officials and employees are bound to perform their duties efficiently and faithfully under the laws of the state of New Hampshire. Such officials and employees are bound to observe the highest standards of ethics consistent with this code regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

- **II. Definitions**

As used herein:

- a. "State Agency" shall mean an executive branch agency, department, division, board, commission or entity of the executive branch.
- b. "Public Official" shall mean a commissioned, an unclassified or a nonclassified executive branch employee but shall not include any commissioned, unclassified, or nonclassified elected by the legislature.
- c. "Public Employee" shall mean a classified employee of a state agency.
- d. "Conflict of Interest" shall mean a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

- **III. Conflict of Interest**

Public employees and public officials shall avoid conflicts of interest or the appearance of a conflict of interest. Public employees and public officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

- **IV. Misuse of Position**

No public official and no public employee shall disclose or use confidential or privileged information for personal benefit or for financial gain. Public officials and public employees shall not use their positions with the government to secure privileges or advantages for themselves, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others.

- **V. Acceptance of Campaign Contributions**

A public official or a public employee who is candidate for an elective office that is not subject to the reporting requirements of RSA 664 and who accepts a financial contribution or other form of political contribution from an entity which is or is likely to become subject to that public official's or public employee's duties shall make a disclosure of such contributions in writing on the form appended hereto, within five (5) days of receipt of such contributions, to the Secretary of State.

- **VI. Acceptance and Giving of Gifts**

No public employee, no public official, and no public employee's or public official's spouse or dependents, shall give, solicit, accept or agree to accept a gift from a person who is subject to or

likely to become subject to or interested in, any matter or action pending before or contemplate by

the public employee or official or by the governmental body with which that employee or official is affiliated. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted in accordance with the law.

- **VII. Post Employment Restrictions**

For one year after leaving office or employment with the state, a public official shall not appear as a lobbyist or as a paid advocate on behalf of any matter over which that official had personal and direct responsibility while in state government.

- **VIII. Supplemental State Agency Ethical Codes**

In addition to this Code, each state agency may promulgate a supplemental ethics code to address issues specific to that agency. In the event of a conflict, the provisions of this Code shall supersede the agency code. To the extent that this Code or an ethics code adopted by a state agency shall apply to classified employees, this Code, or an agency code, shall be interpreted to be consistent with the provisions of the classified employees' collective bargaining agreement.

- **IX. Financial Disclosure**

To ensure that the performance of official duties does not give rise to a conflict of interest or the appearance of a conflict of interest, the following public officials shall file with the Secretary of State a statement of financial disclosure that conforms to the requirements of the form appended hereto: a) all agency heads, and b) any public official designated, due to the responsibilities of the position, by the agency head. The agency head shall file with the Secretary of State an organizational chart identifying the names, titles and position numbers of officials required to file a statement of financial disclosure.

The statement of financial disclosure and organizational chart shall be filed within thirty days of the effective date of this order. Thereafter, revised statements of financial disclosure and organizational charts shall be filed immediately upon any change of status. New agency heads shall file a statement of financial disclosure no later than the first day of service.

Statements of financial disclosure and organizational charts filed with the Secretary of State shall be public documents.