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DATE: February 26, 2019

## **INSPECTOR GENERAL'S REPORT TO THE CITY COUNCIL**

2019-OIG-1

I was contacted on February 4, 2019, by a Complainant who stated that a number of City of Springfield employees appeared on a campaign Facebook page for a candidate for elective office in the upcoming municipal election. I viewed the candidate's Facebook page which clearly stated that it was a page in support of that person's candidacy and contained numerous photos showing campaign activities as well as general activities within the relevant political subdivision. Among the photos were at least five City employees that were either photographed with City equipment such as a police car and fire truck or clearly within a City building during operating hours. Several other employees were pictured at a public event which they were attending in their official capacity, one in uniform.

Section 36.07 of the Springfield Code of Ordinances deals with political activity and states at (a)(3) "No City officer or employee shall engage in any political activity while performing official duties or during work hours."

I investigated the circumstances of each of the photographs appearing on the campaign Facebook page and spoke either to the person pictured or their supervisor. In each instance, I was assured by the employee or supervisor that they had not given consent for their image to appear upon a political Facebook page. I sought to corroborate these unanimous responses by speaking to the candidate in question, sending an email at the candidate's request and speaking later to the candidate's attorney. In my email, I asked if the candidate had any information that would prove that any of the employees pictured consented to having their photo posted on the campaign Facebook page. While I had productive conversations with the candidate's attorney, at no time did the candidate or her counsel answer the question about employees' consents.

Following discussions with the candidate's attorney, the candidate voluntarily removed the photos in question from the campaign Facebook page and I have confirmed that the photos no longer appear.

In light of the fact that I found no evidence that any of the City employees who appeared on the campaign Facebook page had any knowledge that their photo would be used for that purpose and that none of them had consented to the political use of their photos, I do not find that

any of the pictured employees knowingly violated Section 36.07(a)(3) and no disciplinary referrals to Human Resources will be made.

This case is closed as unfounded with the following recommendations:

1. That the City's Human Resources Department send an email to all employees with the full text of Section 36.07 which also includes permissible political activities in Section (b)(1) to remind them of their prohibited activity and their rights to engage in political activity not prohibited by paragraph (a) as we are in the heart of the municipal election cycle.
2. I further recommend that all candidates for municipal office review their social media campaign sites to be sure that they do not contain any depictions of City employees taken during work hours, with or in City-owned property, or while performing official duties, at any time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a long horizontal stroke extending to the right.

Roger W. Holmes, Inspector General