



CITY OF HOUSTON

Executive Order

Subject: **Solicitation of City Employees**

E.O. No.

1-51 Revised

Effective Date:

09/24/2010

1. PURPOSE/OBJECTIVE

- 1.1 It is the City's policy to protect employees from harassment, disruption of workflow and production, and possible loss of personal property. The purpose of this Executive Order is to minimize disruptions to the workplace by solicitors and those seeking access to City employees engaged in the performance of their job duties.
- 1.2 The primary purpose of all City facilities is to provide a safe and structured workplace for City employees to perform their core job duties relative to the administration of City business. The City's use of its own facilities takes priority over any other authorized use, activity, or conduct at City facilities.

2. DEFINITIONS

City Facilities - all real property owned, leased, or otherwise controlled by the City, including buildings, portions of buildings, parking lots, parking garages reserved in whole or in part for City employee use, passageways or walkways for ingress and egress to City buildings, patios, designated employee break areas, interior courtyards and fenced areas of City buildings. The term does not apply to public parks, public sidewalks, public roads, or public thoroughfares, including the downtown tunnel system.

Solicit - To engage in the act of solicitation.

Solicitation -

- (a) Seeking any direct or indirect access to and the attention of City employees in an attempt to:
 - (i) Request contributions, gifts or donations;
 - (ii) Sell products, services, memberships, program activities or any tangible goods;
 - (iii) Request financial or other support for an outside person, agency, organization, charity or company unaffiliated with the City of Houston and the performance of the City employees' job duties; and/or
 - (iv) Advocate for or against a cause; encourage action (ex. voting or signing a petition); subscribe to a certain belief, philosophy, or viewpoint; belong to or enroll in an organization; or attend a function or event.
- (b) Solicitation shall further include, but not be limited to, the posting or distribution of non-work related documents, marketing materials or written communications or notices and includes electronic or computer-based communications including email, internet or text

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messages in furtherance of the activities defined as solicitation. However, the act of employees merely talking to each other, even if they talk about solicitations, shall not be considered solicitation under this policy if neither employee is seeking an action from the other.

3. SCOPE

- 3.1 This Executive Order is applicable to all City departments, offices and divisions and all employees regardless of civil service status, classification, pay grade, or full or part time schedules.

4. SOLICITATION PROHIBITED – GENERALLY

- 4.1 A person may not solicit a City employee when any such City employee is on duty for or on behalf of the City, even if outside his/her regularly scheduled work hours, (e.g., overtime). Except as prescribed below, solicitation on City facilities is strictly prohibited. A City employee engaged in approved solicitation may not be on duty for or on behalf of the City at the time of solicitation.

5. LIMITED SOLICITATION ALLOWED

- 5.1 The City recognizes that some solicitations may be beneficial to City employees. The following solicitation is permitted under the circumstances and conditions set out below:
 - 5.1.1 Any direct (personal/verbal) or indirect (posted/handbill) solicitation by non-employees may be conducted only in areas that are public or in areas of City facilities designated by the department director as accessible for limited and controlled communal access (i.e. break/lunch rooms). Written approval for access purposes of each solicitation must be obtained from the department director. The written authorization from the department director permitting access to designated areas of city facilities shall specify the duration, location, time, and/or any other limitations regarding the access authorized or the approval given.
 - 5.1.2 Written material may be left in designated areas of city facilities where solicitation is permitted. A department director may establish policies as to the length of time material may remain before being discarded.
 - 5.1.3 All solicitations (including written materials) shall be civil, professional and may not be harassing, demeaning, or disparaging to any employee(s), any department, or the City, and/or disruptive to the work environment. The person engaged in soliciting shall immediately cease doing so if the City employee being solicited affirmatively objects, or expresses disinterest or unavailability.
 - 5.1.4 No City resources, including, but not limited to, City email, mail system, any telephone services (in any form); long distance, copy machines, postage, fax machines, computers, or internet, may be used in furtherance of any solicitation.
- 5.2 Solicitations by employees involved with nonprofit organizations that utilize sales of goods and/or services or requests for donations to raise funds are allowed, if authorized and conducted in a manner consistent with this Executive Order. The sale of unpackaged

and/or unsealed or temperature regulated food stuffs (e.g., tamales, pies, cakes, etc.) is strictly prohibited.

5.2.1 Employee initiated solicitations as described in this paragraph are permissible, provided the solicitations:

- (a) Are limited to the employee's work site;
- (b) Last no more than 30 days;
- (c) Are minimally disruptive to the work environment;
- (d) Do not use City email, mail distribution or other City resources;
- (e) Are limited to posting solicitation materials and not personal contacts; and
- (f) Are done in accordance with this Executive Order.

6. COMPLIANCE

6.1 All employees through the department director shall comply with this Executive Order from the policy date forward. Violations of this policy may subject the offending employee to disciplinary action up to and including indefinite suspension/termination. Violations by persons other than City employees may subject the party to removal or ejection from City premises and workplaces for limited or indefinite periods of time or permanent denial of access to City employees or work places.

7. CONFLICT AND REPEAL

7.1 This Revised Executive Order supersedes Mayor's Policy No. 803.00 and Executive Order No. 1-51, which shall be of no further force or effect.

8. VIOLATION

8.1 Any policy or procedural violations by City employees shall be brought to the attention of the employee's department/division director. Violations by persons other than City employees or procedural exceptions shall be brought to the attention of the Human Resources Director for review and recommendation to the department director or Mayor for a course of action that may include temporary or permanent exclusion.

9. EXCEPTIONS

9.1 Exceptions to this policy shall be at the sole discretion of the Mayor except as indicated herein.

9.2 This policy shall not apply to City-sponsored or City-established and approved programs that are governed by other Executive Orders such as the Combined Municipal Campaign (AP 2-16), U. S. Savings Bonds, etc.