



2037 W Bullard Ave #250
Fresno, CA 93711

August 27, 2019

Dear County Counsel,

The Fresno County Board of Supervisors has recently proposed a rule/policy that would prevent some County employees from engaging in politics and/or from becoming candidates for public office. The proposed change unlawfully targets certain County employees, while carving out exceptions for others.

Under the current proposal, when a County employee runs for office, that person is forced out of their job and put on unpaid leave. While on unpaid leave, that County employee's health insurance benefits are cut off as are those of their spouse and family. In what verges on what can best be described as public corruption, exceptions apply to elected county employees and department heads.

Not only is the proposal undemocratic and unfair on its face, but the proposal in fact violates the law. California Labor Code section 1101 does not allow the County or any other employer to take steps to impede employees from pursuing public office on their own time:

No employer shall make, adopt, or enforce any rule, regulation, or policy:

- (a) Forbidding or preventing employees from engaging or participating in politics or from becoming candidates for public office.
- (b) Controlling or directing, or tending to control or direct the political activities or affiliations of employees.

Further, the proposed rule also violates California Labor Code section 1102 which states:

No employer shall coerce or influence or attempt to coerce or influence his employees through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity.

The authors of this proposal have made it known that they are specifically targeting Deputy District Attorney Andrew Janz.

If this proposal were to be adopted by the County, a Court would be asked to render it invalid immediately.

If this policy is enacted, legal action will be taken to protect the rights of Deputy District Attorney Janz and other working-class county employees who wish to engage in protected activities on their own time.

With this letter, the board is encouraged to reexamine its position and not to take any action in clear violation of the law. As soon as possible, please advise what the County intends to do so that we may take action in the event the County decides against following the law.

Sincerely,

Mari Harren
Campaign Manager
Janz for Mayor