

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1013
Second Edition Engrossed 5/3/91

Short Title: Local Employee Political Activity.

(Public)

Sponsors: Representatives Fitch; Barnhill, Beall, Black, Bowman, Buchanan, Colton, N.J. Crawford, Cunningham, Easterling, Flaherty, Gottovi, Greenwood, Hardaway, Hensley, Holt, H. Hunter, Jeffus, Jeralds, Jones, Justus, Luebke, Nesbitt, Oldham, Payne, Stamey, Warner, and Woodard.

Referred to: Public Employees.

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE THE LIMITS OF LOCAL GOVERNMENT EMPLOYEES'
3 POLITICAL ACTIVITIES WHILE ON DUTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 153A of the General Statutes is amending by adding a
6 new section to read:

7 "**§ 153A-99. County employee political activity.**

8 (a) Purpose. The purpose of this section is to ensure that county employees are
9 not subjected to political or partisan coercion or interference while performing their job
10 duties, and to ensure that public funds are not used for political or partisan activities.

11 It is not the purpose of this section to allow infringement upon the rights of
12 employees to engage in free speech and free association. Every county employee has a
13 civic responsibility to support good government by every available means and in every
14 appropriate manner. Employees are not restricted from affiliating with civic
15 organizations of a partisan or political nature, nor are employees restricted from
16 attending political meetings, or advocating and supporting the principles or policies of
17 civic or political organizations in accordance with the Constitution and laws of the State
18 and the Constitution and laws of the United States of America.

19 (b) Definitions. For the purposes of this section:

- 1 (1) 'County employee' or 'employee' means any person employed by a
2 county or any department or program thereof that is supported, in
3 whole or in part, by county funds;
4 (2) 'On duty' means that time period when an employee is engaged in the
5 duties of his or her employment; and
6 (3) 'Workplace' means any place where an employee engages in his or her
7 job duties.
8 (c) No employee while on duty or in the workplace may:
9 (1) Engage in partisan political activity;
10 (2) Use his or her official authority or influence for the purpose of
11 interfering with or affecting the result of an election or nomination for
12 political office; or
13 (3) Coerce or compel contributions for political or partisan purposes by
14 another employee.
15 (d) No employee may be required as a duty or condition of employment,
16 promotion, or tenure of office to contribute funds for political or partisan purposes.
17 (e) No employee may use county funds, supplies, or equipment for political or
18 partisan purposes."

19 Sec. 2. Chapter 160A is amended by adding a new section to read:

20 **"§ 160A-99. City employee political activity.**

21 (a) Purpose. The purpose of this section is to ensure that city employees are not
22 subjected to political or partisan coercion or interference while performing their job
23 duties, and to ensure that public funds are not used for political or partisan activities.

24 It is not the purpose of this section to allow infringement upon the rights of
25 employees to engage in free speech and free association. Every city employee has a
26 civic responsibility to support good government by every available means and in every
27 appropriate manner. Employees are not restricted from affiliating with civic
28 organizations of a partisan or political nature, nor are employees restricted from
29 attending political meetings, or advocating and supporting the principles or policies of
30 civic or political organizations in accordance with the Constitution and laws of the State
31 and the Constitution and laws of the United States of America.

32 (b) Definitions. For the purposes of this section:

- 33 (1) 'City employee' or 'employee' means any person employed by a city or
34 any department or program thereof that is supported, in whole or in
35 part, by city funds;
36 (2) 'On duty' means that time period when an employee is engaged in the
37 duties of his or her employment; and
38 (3) 'Workplace' means any place where an employee engages in his or her
39 job duties.
40 (c) No employee while on duty or in the workplace may:
41 (1) Engage in partisan political activity;
42 (2) Use his or her official authority or influence for the purpose of
43 interfering with or affecting the result of an election or nomination for
44 political office; or

1 (3) Coerce or compel contributions for political or partisan purposes by
2 another employee.

3 (d) No employee may be required as a duty or condition of employment,
4 promotion, or tenure of office to contribute funds for political or partisan purposes.

5 (e) No employee may use city funds, supplies, or equipment for political or
6 partisan purposes."

7 Sec. 3. This act becomes effective October 1, 1991.