

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1013

Second Edition Engrossed 5/3/91

Senate Local Government & Regional Affairs Committee Substitute Adopted 6/18/91

Senate Judiciary I Committee Substitute #2 Adopted 7/3/91

Short Title: Local Employee Political Activity.

(Public)

Sponsors:

Referred to:

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO DEFINE THE LIMITS OF LOCAL GOVERNMENT EMPLOYEES' POLITICAL ACTIVITIES.

The General Assembly of North Carolina enacts:

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

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

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

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

(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) Use his or her official authority or influence for the purpose of
10 interfering with or affecting the result of an election or nomination for
11 political office; or
12 (2) Coerce, solicit, or compel contributions for political or partisan
13 purposes by another employee.
14 (d) No employee may be required as a duty or condition of employment,
15 promotion, or tenure of office to contribute funds for political or partisan purposes.
16 (e) No employee may use county funds, supplies, or equipment for partisan
17 purposes, or for political purposes except where such political uses are otherwise
18 permitted by law.
19 (f) Nothing in this section shall be construed to prohibit a county from adopting
20 or enforcing personnel policies not in conflict with the rights of employees under the
21 Constitution and laws of the State or the Constitution and laws of the United States of
22 America."

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

24 "**§ 160A-99. City employee political activity.**

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

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

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

- 38 (1) 'City employee' or 'employee' means any person employed by a city or
39 any department or program thereof that is supported, in whole or in
40 part, by city funds;
41 (2) 'On duty' means that time period when an employee is engaged in the
42 duties of his or her employment; and
43 (3) 'Workplace' means any place where an employee engages in his or her
44 job duties.

- 1 (c) No employee while on duty or in the workplace may:
2 (1) Use his or her official authority or influence for the purpose of
3 interfering with or affecting the result of an election or nomination for
4 political office; or
5 (2) Coerce, solicit, or compel contributions for political or partisan
6 purposes by another employee.
7 (d) No employee may be required as a duty or condition of employment,
8 promotion, or tenure of office to contribute funds for political or partisan purposes.
9 (e) No employee may use city funds, supplies, or equipment for partisan
10 purposes, or for political purposes except where such political uses are otherwise
11 permitted by law.
12 (f) Nothing in this section shall be construed to prohibit a city from adopting or
13 enforcing personnel policies not in conflict with the rights of employees under the
14 Constitution and laws of the State or the Constitution and laws of the United States of
15 America."

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