

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

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 WHILE ON DUTY.

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 or interference 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 restricted from attending political meetings, or advocating and supporting the principles or policies of civic or political organizations 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) 'County employee' or 'employee' means any person employed by a county or any department or program thereof that is supported, in whole or in part, by county funds;

- 1 (2) 'On duty' means that time period when an employee is engaged in the
2 duties of his or her employment; and
3 (3) 'Workplace' means any place where an employee engages in his or her
4 job duties.
5 (c) No employee while on duty or in the workplace may:
6 (1) Engage in partisan political activity;
7 (2) Use his or her official authority or influence for the purpose of
8 interfering with or affecting the result of an election or nomination for
9 political office; or
10 (3) Coerce or compel contributions for political or partisan purposes by
11 another employee.
12 (d) No employee may be required as a duty or condition of employment,
13 promotion, or tenure of office to contribute funds for political or partisan purposes.
14 (e) No employee may use county funds, supplies, or equipment for political or
15 partisan purposes.
16 (f) Nothing in this section shall be construed to prohibit a county from adopting
17 or enforcing personnel policies not in conflict with the rights of employees under the
18 Constitution and laws of the State or the Constitution and laws of the United States of
19 America."

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

21 **"§ 160A-99. City employee political activity.**

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

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

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

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

1 (2) Use his or her official authority or influence for the purpose of
2 interfering with or affecting the result of an election or nomination for
3 political office; or

4 (3) Coerce or compel contributions for political or partisan purposes by
5 another employee.

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

8 (e) No employee may use city funds, supplies, or equipment for political or
9 partisan purposes.

10 (f) Nothing in this section shall be construed to prohibit a city from adopting or
11 enforcing personnel policies not in conflict with the rights of employees under the
12 Constitution and laws of the State or the Constitution and laws of the United States of
13 America."

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