

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 818

Short Title: Gov't. Employees/Pol. Activities.

(Public)

Sponsors: Representatives Fitch, Nesbitt, Colton, Crawford, Fussell, Black, Holt, Warner; Bowman, Hensley, Luebke, McLawhorn, and Wright.

Referred to: Public Employees.

April 8, 1993

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-99 reads as rewritten:

"§ 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, to ensure that employees are not restricted from political activities while off duty, 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 shall not be restricted from affiliating with civic organizations of a partisan or political nature, nor are shall employees, while off duty, be 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) '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) Use his or her official authority or influence for the purpose of
7 interfering with or affecting the result of an election or nomination for
8 political office; or
9 (2) Coerce, solicit, or compel contributions for political or partisan
10 purposes by another employee.
11 (d) No employee may be required as a duty or condition of employment,
12 promotion, or tenure of office to contribute funds for political or partisan purposes.
13 (e) No employee may use county funds, supplies, or equipment for partisan
14 purposes, or for political purposes except where such political uses are otherwise
15 permitted by law.
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. All State laws and all local laws and ordinances that are in conflict with this~~
20 ~~section are repealed."~~

21 Sec. 2. G.S. 160A-169 reads as rewritten:

22 "**§ 160A-169. City employee political activity.**

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

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

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

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

1 (1) 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 (2) Coerce, solicit, or compel contributions for political or partisan
5 purposes by 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 partisan
9 purposes, or for political purposes except where such political uses are otherwise
10 permitted by law.

11 (f) ~~Nothing in this section shall be construed to prohibit a city from adopting or~~
12 ~~enforcing personnel policies not in conflict with the rights of employees under the~~
13 ~~Constitution and laws of the State or the Constitution and laws of the United States of~~
14 ~~America. All State laws and all local laws and ordinances that are in conflict with this~~
15 ~~act are repealed."~~

16 Sec. 3. This act becomes effective October 1, 1993.