

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 480
Education/Higher Education Committee Substitute Adopted 4/22/15
PROPOSED COMMITTEE SUBSTITUTE S480-PCS45361-TC-28

Short Title: Uniform Political Activity/Employees.

(Public)

Sponsors:

Referred to:

March 26, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A UNIFORM STANDARD FOR POLITICAL ACTIVITY OF
3 EMPLOYEES OF THE STATE AND LOCAL BOARDS OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 22 of Chapter 115C of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 115C-335.15. Appropriate political activity of school employees; disciplinary action.**

8 (a) As an individual, each employee of a local board of education retains all the rights
9 and obligations of citizenship provided in the Constitution and laws of the State of North
10 Carolina and the Constitution and laws of the United States of America; however, no employee
11 of a local board of education shall do any of the following:

12 (1) Take an active part in managing a political campaign, campaign for political
13 office, or otherwise engage in political activity, or to otherwise use the
14 authority of the employee's position to secure support for or oppose any
15 candidate, party, or issue in an election involving candidates for office or
16 party nominations, or affect the results thereof, while the employee is on
17 duty or within any period of time during which the employee is expected to
18 perform services for which the employee receives compensation from a local
19 board of education.

20 (2) Utilize public funds, supplies, equipment, or vehicles to secure support for or
21 oppose any candidate, party, or issue in an election involving candidates for
22 office or party nominations, or affect the results thereof.

23 (3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes,
24 political purposes, or to engage in advocating for or against issues of local,
25 State, or federal policy.

26 (b) No member of a local board of education or employee of the local board of
27 education exercising supervisory authority shall make, issue, or enforce any rule or policy the
28 effect of which is to interfere with the right of any employee of the local board of education as
29 an individual to engage in political activity while not on duty or at times during which the
30 employee is not performing services for which the employee receives compensation from the
31 local board. An employee who is or may be expected to perform the employee's duties on a
32 24-hour per day basis shall not be prevented from engaging in political activity except during
33 regularly scheduled working hours or at other times when the employee is actually performing
34 the duties of the employee's position. The willful violation of this subsection shall be a Class 1
35 misdemeanor.



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1 (c) The failure of an employee of a local board of education to comply with this section
2 is grounds for disciplinary action which, in a case of deliberate or repeated violation, may
3 include dismissal.

4 (d) Notwithstanding the prohibitions of subdivision (3) of subsection (a) of this section,
5 the following shall not be a violation of this section:

6 (1) For an employee of a local board of education to utilize public funds,
7 supplies, equipment, or vehicles to engage in advocating for or against issues
8 of local, State, or federal policy if that employee is invited by a local, State,
9 or federal policy-making body to address that body on that issue.

10 (2) For an employee of a local board of education to utilize public funds,
11 supplies, equipment, or vehicles to engage in advocating for or against issues
12 of local, State, or federal policy if any of the following apply:

13 a. The employee is employed as a superintendent or principal.

14 b. Upon recommendation by the superintendent, the employee's
15 position is determined by the local board of education to involve
16 advocacy on the employer's behalf.

17 c. One of the stated job duties of the employee is to engage in advocacy
18 on the employer's behalf.

19 (e) Notwithstanding the requirements of this section, no employee of a local board of
20 education shall be prohibited from providing instruction in civic literacy and the democratic
21 process, as provided in G.S. 115C-81. In providing such instruction, an employee of a local
22 board of education shall not use the authority of the employee's position to secure support for or
23 oppose any candidate, party, or issue in an election involving candidates for office or party
24 nominations or to encourage student advocacy for or against issues of local, State, or federal
25 policy.

26 (f) No employee of a local board of education may be required as a duty or condition of
27 employment, promotion, or tenure of office to contribute funds for political or partisan
28 purposes.

29 (g) For the purposes of this section, the term "equipment" includes digital and electronic
30 resources controlled and maintained by a local school administrative unit, including, but not
31 limited to, the use of local school administrative unit-issued electronic mail addresses and
32 telephone lines."

33 **SECTION 2.** G.S. 115C-218.90 is amended by adding a new subsection to read:

34 "(c) The requirements of G.S. 115C-335.15 as to appropriate political activity for school
35 employees shall apply to employees of a charter school."

36 **SECTION 3.** G.S. 115C-238.68 is amended by adding a new subdivision to read:

37 "(8) Political activity. – The requirements of G.S. 115C-335.15 as to appropriate
38 political activity for school employees shall apply to employees of a regional
39 school."

40 **SECTION 4.** G.S. 126-13 reads as rewritten:

41 "**§ 126-13. Appropriate political activity of State employees defined.**

42 (a) As an individual, each State employee retains all the rights and obligations of
43 citizenship provided in the Constitution and laws of the State of North Carolina and the
44 Constitution and laws of the United States of America; however, no State employee subject to
45 the North Carolina Human Resources Act or temporary State employee ~~shall~~ shall do any of the
46 following:

47 (1) Take any active part in managing a ~~campaign, or political campaign,~~
48 campaign for political ~~office-office,~~ or otherwise engage in political activity
49 activity, or to otherwise use the authority of the employee's position to
50 secure support for or oppose any candidate, party, or issue in an election
51 involving candidates for office or party nominations, or affect the results

1 ~~thereof, while on duty or within any period of time during which he—the~~
2 ~~employee is expected to perform services for which he—the employee~~
3 ~~receives compensation from the State;State.~~

4 (2) ~~Otherwise use the authority of his position, or utilize—Utilize~~ State funds,
5 ~~supplies—supplies, equipment, or vehicles to secure support for or oppose any~~
6 ~~candidate, party, or issue in an election involving candidates for office or~~
7 ~~party nominations, or affect the results thereof.~~

8 (3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes,
9 political purposes, or to engage in advocating for or against issues of local,
10 State, or federal policy.

11 (b) No head of any State department, agency, or institution or other State employee
12 exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of
13 which is to interfere with the right of any State employee as an individual to engage in political
14 activity while not on duty or at times during which ~~he—the employee~~ is not performing services
15 for which ~~he—the employee~~ receives compensation from the State. A State employee who is or
16 may be expected to perform ~~his—the employee's~~ duties on a ~~twenty-four hour—24-hour~~ per day
17 basis shall not be prevented from engaging in political activity except during regularly
18 scheduled working hours or at other times when ~~he—the employee~~ is actually performing the
19 duties of ~~his—the employee's~~ office. The willful violation of this ~~subdivision—subsection~~ shall be
20 a Class 1 misdemeanor.

21 (c) The failure of a State employee to comply with this section is grounds for
22 disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

23 (d) Notwithstanding the prohibitions of subdivision (3) of subsection (a) of this section,
24 the following shall not be a violation of this section:

25 (1) For a State employee to utilize public funds, supplies, equipment, or vehicles
26 to engage in advocating for or against issues of local, State, or federal policy
27 if that State employee is invited by a local, State, or federal policy-making
28 body to address that body on that issue.

29 (2) For a State employee to utilize public funds, supplies, equipment, or vehicles
30 to engage in advocating for or against issues of local, State, or federal policy
31 if the position is determined by the employer to involve advocacy on the
32 employer's behalf or if one of the stated job duties of the State employee is
33 to engage in advocacy on the employer's behalf.

34 (e) For the purposes of this section, the term "equipment" includes digital and electronic
35 resources controlled and maintained by a State department, agency, or institution, including,
36 but not limited to, the use of State-issued electronic mail addresses and telephone lines."

37 **SECTION 5.** This act is effective when it becomes law.