

## **POLITICAL ACTIVITIES OF EMPLOYEES - BP 2.23**

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*Legal Authority: NCGS 115D-5; 23 NCAC 2C .0210; 23 NCAC 2C .0208*

*Approval: April 19, 2011*

*Revision:*

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### **Political Activities of Employees**

The Board recognizes that its President and each of its employees, as individuals, retain all rights and obligations of citizenship provided in the Constitution and laws of North Carolina and in the Constitution and laws of the United States. In accordance therewith, the Board hereby adopts the following policies with regard to the exercise of political rights by its President and its employees and further encourages the exercise of these rights and obligations of citizenship.

#### **Definitions**

- (1) “Employees” means all full-time and part-time employees of College not including the President.
- (2) “President” means the President of College.
- (3) “Public Office” means any national, state or local governmental position of public trust and responsibility, whether elected or appointed, which is created, prescribed or recognized by constitution, statute or ordinance.

#### **Political Activities of Employees**

- (1) **Candidacy for Elective Public Office:** The candidacy of a College employee for election to a public office requiring part-time or full-time service may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. Any employee who decides to run for public office must immediately notify the Board of Trustees through the President, of his or her intention to run for such public office prior to beginning any activities related to such candidacy. The notice should include a certification by the employee that he or she will not campaign or otherwise engage in any political activities during his or her regular work hours or involve the College in any way in these political activities.
- (2) **Political Campaign Activities:** With respect to his or her own candidacy for election to public office or to any other person’s candidacy for election to public office, no College employee will:

- (a) Solicit support or opposition during his or her regular work hours for his or her or any other candidacy for public office;
  - (b) Solicit support or opposition for his or her or any other candidacy for public office at any time on College property without the prior written consent of the Board of Trustees, which prior written consent must be obtained for each separate solicitation effort; or,
  - (c) Use College funds, services, supplies, vehicles or other property to support or oppose his or her or any other candidacy for public office.
  - (d) Use any promise of reward or threat of loss to encourage or coerce any Employee to support or contribute to any political issue, candidate, or party.
- (3) Part-Time Public Office: If a College employee is elected to or accepts appointment to a public office requiring part-time service, it is hereby recognized that holding such public office may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. The employee must certify to the Board of Trustees, through the President, that the duties of his or her public office will not interfere with the carrying out of the normal duties of his or her position with the College.

If the duties of public office will interfere with the normal duties as an employee of the College, the employee must request a leave of absence, and if deemed practicable by the College, the employee may be granted a full or partial leave of absence from college employment with a corresponding suspension or reduction in pay applicable to the period of such leave, the granting of which will be at the sole discretion of the Board of Trustees; provided, however, that if a full leave of absence is deemed necessary and is granted, it may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion and must be submitted through the President.

In the event that the employee does not request a leave of absence to coincide with the period of public service and the duties of such public office, in the opinion of the Board of Trustees, interferes with the normal duties as an employee of the College, the Board of Trustees may, in its sole discretion and if deemed practicable, institute a full or partial leave of absence from college employment for the employee with a corresponding suspension or reduction in pay applicable to the period of such leave; provided, however, that if a full leave of absence is deemed necessary and is instituted, it may not exceed two years in any case; or take such other disciplinary action including but not limited to suspension or termination of employment, as the Board of Trustees, in its sole discretion, shall deem appropriate.

- (4) Full-Time Public Office: Upon election to or acceptance of appointment to a public office requiring full-time service or to the North Carolina General Assembly, the Congress of the United States or a like or similar public office, an employee will be required to take a full leave of absence without pay from college employment to coincide with the period of public service upon assuming public office; provided,

however, that the period of such leave will be at the sole discretion of the Board of Trustees and may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion and must be submitted through the President.

(5) Political Activities of the President

- a. **Candidacy for Elective Public Office:** The candidacy of the President for election to a public office requiring part-time or full-time service may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. Upon deciding to run for public office, the President must immediately notify the Board of Trustees of his or her intention to run for public office prior to beginning any activities related to such candidacy. The notice should be in the form attached hereto as Exhibit B and incorporated herein by reference and should include the President's certification that he or she will not campaign or otherwise engage in political activities during his or her regular work hours or involve the College in any way in these political activities.
- b. **Political Campaign Activities:** With respect to his or her own candidacy for election to public office or to any other person's candidacy for election to public office, the President will not:
  1. Solicit support or opposition during his or her regular work hours for his or her or any other candidacy for public office;
  2. Solicit support or opposition for his or her or any other candidacy for public office at any time on College property without the prior written consent of the Board of Trustees, which prior written consent must be obtained for each separate solicitation effort;
  3. Use College funds, services, supplies, vehicles or other property to support or oppose his or her or any other candidacy for public office;  
or
  4. Use any promise of reward or threat of loss to encourage or coerce any Employee to support or contribute to any political issue, candidate, or party.
- c. **Part-Time Public Office.** If the President is elected to or accepts appointment to a public office requiring part-time service, it is hereby recognized that holding such public office may create a conflict of time or interest which interferes with the performance of responsibilities owed the College. The President must certify to the Board of Trustees that the duties of his or her public office will not interfere with the carrying out of the normal duties as President of the College. If the duties of such public office will interfere with the normal duties as President, the President must request a leave of absence and if deemed practicable by the College, the President may be granted a full or partial leave of absence from employment as President with a corresponding suspension or reduction in pay

applicable to the period of such leave, the granting of which will be at the sole discretion of the Board of Trustees; provided, however, that if a full leave of absence is deemed necessary and is granted, it may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion.

In the event that the President does not request a leave of absence to coincide with the period of public service and the duties of such public office, in the opinion of the Board of Trustees, interferes with the normal duties as President of the College, the Board of Trustees may, in its sole discretion and if deemed practicable, institute a full or partial leave of absence from college employment for the President with a corresponding suspension or reduction in pay applicable to the period of such leave; provided, however, that if a full leave of absence is deemed necessary and is instituted, it may not exceed two years in any case; or take such other disciplinary action including but not limited to suspension or termination of employment, as the Board of Trustees, in its sole discretion, shall deem appropriate.

- d. Full-Time Public Office. Upon election to or acceptance of appointment to a public office requiring full-time service or to the North Carolina General Assembly, the Congress of the United States or a like or similar public office, the President will be required to take a full leave of absence without pay from college employment to coincide with the period of public service upon assuming public office; provided, however, that the period of such leave will be at the sole discretion of the Board of Trustees and may not exceed two years in any case. Such requests for leave must be addressed to and will be acted upon by the Board of Trustees in its sole discretion.
- e. Notice to State Board. The Board of Trustees will promptly notify the State Board of Community Colleges if the President should become a candidate for public office or if the President is elected or appointed to public office.

#### Application of this Policy

These Policy requirements apply prospectively only. No change in the employment status will be required of an employee who is an incumbent in public office on the date of adoption of this Policy as to the remainder of his or her term of public office; provided, however, that this Policy shall not apply in any regard to an employee who holds a full-time public office or membership in the North Carolina General Assembly, the Congress of the United States or a like or similar public office on the date of adoption of this Policy.

See for Reference: North Carolina Administrative Code, Section 2C.0208 and N.C.G.S. 115D-5 and -20. Employees in programs funded in whole or part through federal grants, loans, or contracts are also subject to the Federal Hatch Political Activities Act, as amended, 5 U.S.C. 1501-1508.

[Return to Table of Contents](#)