

**KNOW YOUR RIGHTS:
SOCIAL WORKERS AS CITY, COUNTY AND STATE
EMPLOYEES AND THE RIGHT TO ADVOCATE**

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Social workers often fear that as city, state or county employees they are unable or not allowed to contact state legislators or become involved with advocacy efforts. This is far from the truth and in fact there are numerous state statutes that clearly define an employee's rights.

The North Carolina Constitution, Article 1, Declaration of Rights, Section 12-Right of Assembly and Petition states that *"The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; ---"*

City and County Employees' rights concerning politically activity are specifically protected by two statutes that passed in 1993 as part of the Political Freedoms Act. The purpose of those statutes was to make sure that as an employee you are not subjected to political or partisan coercion while doing your job AND that your rights to engage in political activities while off duty are not restricted. It also had the purpose of making sure public funds are not used for political and partisan activities.

"Employees shall not be restricted from affiliating with civic organizations of a partisan or political nature, nor 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." **City Employees NC General Statute § 160A-169 (City Employees) and NC General Statute § 153A-99 (County Employees)**

State Employees rights concerning political activity are found in Article 5 "Political Activity of Employees" of the State Personnel Act. *"As an individual, each State employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America"*

"No head of any State department, agency or institution or other State employee exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any State employee as an individual to engage in political activity while not on duty or at times during which he is not performing services for which he receives compensation from the state." **NC General Statute § 126-13. However this same statute makes it clear that one can NOT use state funds, supplies or vehicles, or use time while on duty to engage in any type of political activity.** Your employer cannot coerce you to *"support or contribute to a political candidate, political committee-- or change the party designation of his voter registration"* by threatening that a change in employment status or discipline or preferential personnel treatment will occur. **NC General Statute § 126-14.**

Under **Article 14, “Protection for Reporting Improper Government Activities”** it is stated that;
“ *Further, it is the policy of this State that State employees be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony or testifying before appropriate legislative bodies.*” **NC General Statute 126-84**

As a city, county or state employee you DO have the right to engage in political and advocacy activities, as long as it is on your own time and you do not use your employer’s supplies or equipment.

For example:

1. You can call a legislator from your home or private cell phone during non work hours or on a lunch break.
2. You can write a letter to or e mail a state official sharing your professional concerns, if you use your own pen, paper, envelope and stamp or your own computer and do it while off duty.
3. You can take vacation time to attend an event or workshop that may be political in nature.

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