



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Montre' Freeman, City Manager
Montique McClary, Human Resources Director

DATE: November 22, 2023

REF: Consideration – Adoption of Resolution Amending Section 6.0 – Political Activity of the City's Personnel Policy Manual

BACKGROUND:

During the October 23, 2023 Council meeting, it was brought to the Council's attention that a portion of the City's Personnel Policy Manual was out of compliance with state statute. Although the Human Resources Department is currently working toward overhauling the entire Personnel Policy in the near future, it was pertinent that this particular section be brought into alignment as soon as possible.

ANALYSIS:

The last Personnel Policy Manual for Elizabeth City was adopted in July of 2014. Section 6.0 – Political Activity has two particular items that will require revision. Subsection (b) states that an employee shall not "Solicit or act as a custodian of funds for political or partisan purposes while on City time." This will be modified slightly to read that an employee shall not "Solicit or act as custodian of funds for political or partisan purposes while on City time, ***or with the use of City resources.***"

Item (d) states that an employee shall not "Be a candidate for, or hold, the office of Mayor or City Council of the City of Elizabeth City." This will be amended to read that an employee shall not "***Hold the office of Mayor or City Councilor of the City of Elizabeth City while a City employee.***"

Both the excerpt from the July 2014 document and the proposed changes are attached to this memorandum.

STAFF RECOMMENDATION:

This item may be moved to the Regular Session for an official vote during this meeting if it is the desire of the Council or you may wait until your January 8th, 2024 Regular Session.

If moved forward: By motion, adopt the attached resolution authorizing the revision to Section 6.0 – Political Activity of the City of Elizabeth City’s Personnel Policy Manual, effective immediately.



**RESOLUTION #2023-11-02
CITY OF ELIZABETH CITY
PERSONNEL POLICY MANUAL AMENDMENT
SECTION 6.0 – POLITICAL ACTIVITY**

WHEREAS, the City of Elizabeth City's Personnel Policy Manual was last revised and adopted in July 2014; and

WHEREAS, the manual requires regular revision in order to be in compliance with state and federal statutes; and

WHEREAS, it has been determined that Section 6.0 – Political Activity is out of alignment with state statute and requires revision: and

WHEREAS, our City attorney has provided a legal opinion that the aforementioned amendment will bring Section 6 into compliance with current statute.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth City hereby adopts the revision to Section 6 – Political Activity as detailed in Elizabeth City Personnel Policy Manual.

ADOPTED, this the 27th day of November 2023.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

during time away from the job as long as off-duty activities do not interfere with their work responsibilities to the City, represent a conflict of interest or reflect discredit on the City. An employee is cautioned, however, not to engage in outside activities that are so exhaustive that physical and mental ability are consistently impaired to the extent that his/her City service is adversely affected. No employee shall represent the City in outside employment unless he/she receives express prior approval from the department head.

- 6.0 **Political Activity.** The City encourages an employee to exercise civic responsibility in supporting good government at all levels by voting for the political candidates and issues of his/her choice.

An employee may join or affiliate with political organizations, may attend political meetings and may advocate and support political principles and policies in accordance with the constitution and laws of the State of North Carolina and of the United States of America.

However, an employee shall not:

- (a) Be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, promotion or tenure of office;
- (b) Solicit or act as custodian of funds for political or partisan purposes while on City time;
- (c) Use City-owned supplies, equipment or facilities to display political slogans, posters or stickers or for any other political purpose;
- (d) Be a candidate for, or hold, the office of Mayor or City Council of the City of Elizabeth City.

Any violation of these provisions shall be deemed improper conduct and may result in discharge or other disciplinary action.

- 7.0 **Solicitations.** Except for the United Way Fund and the Blood Donor Program, solicitations may not take place during working time by employees and at any time by non-City employees.

- 8.0 **Gifts and Favors.** The conduct of any employee in City service shall be free from influence arising from gifts, favors or special privileges. It is the obligation of an employee to refuse personal gifts, favors or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the giver's interest or otherwise exert influence on the actions of the employee. Furthermore, no employee shall seek personal

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- d) Hold the office of Mayor or City Councilor of the City of Elizabeth City while a City employee.

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