APPALACHIAN STATE UNIVERSITY
OFFICE OF GENERAL COUNSEL
MEMORANDUM

TO: Faculty and Staff

FROM: Barbara L. Krause, Acting General Counsel

DATE: March 29, 2018

SUBJECT: Political Activities of Employees
Candidacy for Elective Office; Office Holding (Elective and Appointive Public Office)

Please print and post this memorandum
for individuals in your unit who do not have regular access to e-mail.

Political Activities of Employees

As we enter into primary season for political campaigns and elections, we want to remind our campus
community of the policies and laws applying to political activities of public employees (all faculty and
staff). Being a state employee does not mean you lose any of your constitutional rights to participate or
not participate as you desire in the political process as long as such participation is not on work time and
does not involve the use of university property. However, what each employee may do on the job, with
state resources, using or implicating the name of the university, or otherwise affecting your job
responsibilities is highly regulated by law (North Carolina General Statutes Chapter 126, Article 5) as
well as by UNC System policy. Appalachian State Policy 604.7, Section 1.1, incorporates by reference
The UNC Policy Manual 300.5.1, which sets forth the full policy governing political activities of
employees. This memorandum summarizes applicable laws and policies, and is intended as a helpful
resource to address questions you may have.

1. No employee may take an active part in managing a campaign, or campaign for political office or
otherwise engage in political activity during working hours. UNC Policy 300.5.1 (applicable to
EHRA employees); N.C.G.S. §126-13 (applicable to SHRA employees); State Human Resources
Manual (Section 3, page 26, See: http://oshr.nc.gov/policies-forms/employment-
records/limitation-of-political-activities.

2. No employee may use his or her position, state or university funds, services (including mail or
effect service), supplies (including letterhead), equipment (including telephone and computers),
vehicles or other university property to support or oppose a candidate, party or issue in an
election involving candidates for office. N.C.G.S. §126-13 (applicable to SHRA employees);
UNC Policy 300.5.1 (applicable to EHRA employees).

3. Community service leave may ONLY be used for working inside a polling facility in a non-
partisan role such as assisting voters with the voting process. However, if an employee is
receiving any payment for such activities, then vacation leave (or available comp time balances)
must be charged. Standing outside the polling facility and distributing candidate information is
partisan activity and vacation leave (or available comp time) must be used. State Human
Resources Manual (Section 5, page 13); see: http://oshr.nc.gov/policies-forms/leave/community-
service-leave.
4. No employee may coerce an employee to support or contribute to a political candidate or party or to change voter registration. N.C.G.S. §126-14 (applicable to SHRA employees); UNC Policy 300.5.1 (applicable to EHRA employees).

5. No EHRA employee (including Faculty and EHRA Non-Faculty) may promise preferential treatment or threaten detrimental treatment of an employee to induce support of or opposition to a candidate. UNC Policy 300.5.1. No SHRA employee may use any promise of reward or threat of loss to encourage or coerce any employee subject to the State Human Resources Act to support or contribute to any political issue, candidate, or party. State Human Resources Manual (Section 3, page 26); see: http://oshr.nc.gov/policies-forms/employment-records/limitation-of-political-activities.

Candidacy for Elective Office; Office Holding
(Elective and Appointive Public Office)

In addition to complying with the laws and policies described above, all EHRA employees (Faculty and EHRA Non-Faculty) who are candidates for or who hold public office (elective and appointive) must comply with Appalachian State Policy 604.7, Section 1.2, which incorporates by reference UNC Policy 300.5.2.

Policy 300.5.2 distinguishes between “major public offices” and “minor public offices.” This distinction is important, among other reasons, because of certain reporting and petition requirements that must be met before an individual may announce candidacy for or assume major or minor public office. Differing conflict of interest and conflict of commitment provisions also apply, depending on the type of public office sought or held. The two types of office are defined as follows:

“Major public office” means (a) any public office requiring full-time service, regardless of the amount of compensation; (b) any public office requiring part-time service with “compensation which is more than nominal” [generally speaking, compensation in excess of $10,000]; and (c) membership in the North Carolina General Assembly.

“Minor public office” means any public office that is not a major public office.

Prospective candidates or office holders for some public offices must petition the Board of Trustees or the Board of Governors (through, respectively, the Chancellor or the President) for approval months in advance; failure to do so may result in loss of university employment. In general, an employee who intends to announce as a candidate in a race with a May primary must petition the appropriate governing board no later than the preceding November 1; and an employee who intends to stand for election in November should petition no later than the preceding July 1. Policy 300.5.2 also addresses leaves of absence, deemed resignations, and other matters related to candidacy for or holding public office.

Questions concerning the interpretation and application of the laws and policies may be addressed to me at krausebl@appstate.edu or 262-2751. If you have questions about leave policies, please contact the Office of Human Resources at 262-3186. Thank you.