House Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 287

HOUSE BILL 2551

AN ACT

AMENDING SECTIONS 11-352 AND 41-752, ARIZONA REVISED STATUTES; RELATING TO THE STATE PERSONNEL SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-352, Arizona Revised Statutes, is amended to read:

11-352. Adoption of limited county employee merit system by resolution; removal of certain administrative positions by resolution; precinct committeemen

A. Any county may by resolution of the board adopt a limited county employee merit system for all county appointive officers and employees. Elected officers shall not be included in such a merit system.

B. Any county may by resolution of the board remove certain administrative positions from the county employee merit system. The positions that may be removed from the county employee merit system are:

1. County manager.
2. Deputy county manager.
3. Assistant county manager.
4. Chief deputies to elected officials.
5. Department directors.
6. Deputy directors, not to exceed three in each department.
7. One position in each department that reports directly to the director or deputy director as designated by the director and deputy director.
8. An administrative position declared exempt after August 8, 1985. The number of positions declared exempt under this paragraph shall not exceed ten ~~per cent~~ PERCENT of the total number of county appointive officers and employees.

C. Any employee who was included as a covered employee in the county employee merit system at the time the employee assumed the employee's present position and whose position becomes exempt under subsection B OF THIS SECTION may elect to remain included under the merit system, but if terminated the employee must be afforded the opportunity to accept another vacant position within the merit system for which the employee is qualified.

D. NOTWITHSTANDING ANY OTHER LAW, RULE OR ORDINANCE, A COUNTY EMPLOYEE MAY SERVE IN THE OFFICE OF PRECINCT COMMITTEEMAN.

Sec. 2. Section 41-752, Arizona Revised Statutes, is amended to read:

41-752. Protections of civil or political liberties; prohibitions; civil penalty; violation; classification

A. Except for expressing an opinion or pursuant to section 16-402, an employee shall not engage in any activities permitted by this section while on duty, while in uniform or at public expense.

B. An employee shall not:

1. Use any political endorsement in connection with any appointment to a position in the state personnel system.

2. Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration.

C. An employee, a member of the state personnel board or a member of the law enforcement merit system council shall not be a member of any national, state or local committee of a political party, an officer or chairperson of a committee of a partisan political club or a candidate for nomination or election to any paid public office, shall not hold any paid, elective public office or shall not take any part in the management or affairs of any political party or in the management of any partisan or nonpartisan campaign or recall effort, except that any employee may:

1. Express an opinion.

2. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.

3. Cast a vote and sign nomination or recall petitions.

4. Make contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates.

5. Circulate candidate nomination petitions or recall petitions.

6. Engage in activities to advocate the election or defeat of any candidate.

7. Solicit or encourage contributions to be made directly to candidates or campaign committees contributing to candidates or advocating the election or defeat of candidates.

D. A person shall not:

1. Solicit any employee, member of the state personnel board or member of the law enforcement merit system council to engage or not engage in activities permitted by this section with the direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence, including the loss of any benefit, reward, promotion, advancement or compensation.

2. Subject any employee, member of the state personnel board or member of the law enforcement merit system council engaging in activity permitted by this section to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence, including the loss of any benefit, reward, promotion, advancement or compensation.

3. Subject any employee, member of the state personnel board or member of the law enforcement merit system council who chooses not to engage in any activity permitted by this section to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence, including the loss of any benefit, reward, promotion, advancement or compensation.

E. Subsections B and C of this section do not apply to those employees listed in section 41-742, subsection F.

F. This section does not apply to school board elections or community college district governing board elections, and an employee may serve as a member of the governing board of a common or high school district, ~~or~~ as a member of a community college district governing board OR IN THE OFFICE OF PRECINCT COMMITTEEMAN.

G. An employee who violates any of the provisions of this section is subject to suspension of not less than thirty days or dismissal.

H. A person who violates:

1. Subsection D of this section is guilty of a class 6 felony.

2. Any other provision of this section is guilty of a class 1 misdemeanor.

I. In addition to any other penalty, any person soliciting or encouraging a contribution in a manner prohibited by this section is subject to a civil penalty of up to three times the amount of the contribution solicited or encouraged plus costs, expenses and reasonable attorney fees.

J. This section does not deny any employee or board member any civil or political liberties as guaranteed by the United States and Arizona Constitutions.

K. It is the public policy of this state, reflected in this section, that government programs be administered in an unbiased manner and without favoritism for or against any political party or group or any member in order to promote public confidence in government, governmental integrity and the efficient delivery of governmental services and to ensure that all employees are free from any express or implied requirement or any political or other pressure of any kind to engage or not engage in any activity permitted by this section. Toward this end, any person or entity charged with the interpretation of this section shall take into account the policy of this section and shall construe any of its provisions accordingly.

APPROVED BY THE GOVERNOR APRIL 13, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.

Passed the House February 26, 2015

by the following vote: 54 Ayes,

3 Nays, 3 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate March 30, 2015

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

31st day of March, 2015

at 12:22 o'clock P. M.

Secretary to the Governor

Approved this 13th day of

April

at 10:34 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this ~~31st~~ 14th day of ~~March~~ April, 2015

at ~~11:00~~ 10:00 o'clock ~~A~~ A M.

Secretary of State

H.B. 2551