

092074276

SENATE BILL NO. 1529

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on February 3, 2009)

(Patron Prior to Substitute—Senator Miller, Y.B.)

A *BILL to amend and reenact § 15.2-1512.2 of the Code of Virginia, relating to political activities of local employees.*

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1512.2 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1512.2. Political activities of firefighters, emergency medical technicians and law-enforcement officers and certain other officers and employees.

A. For the purposes of this section:

"Emergency medical technician" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the provision of emergency medical care to the sick or injured, using either basic or advanced techniques. Emergency medical technicians may also provide fire protection services and assist in the enforcement of the fire prevention code.

"Firefighter" means any person who is employed within the fire department or public safety department of a locality whose primary responsibility is the prevention or extinguishment of fires, the protection of life and property, or the enforcement of local or state fire prevention codes or laws pertaining to the prevention or control of fires.

"Law-enforcement officer" means any person who is employed within the police department, bureau or force of any locality, including the sheriff's department of any city or county, and who is authorized by law to make arrests.

"Locality" means counties, cities, towns, authorities or special districts.

"Political campaign" means activities engaged in for the purpose of promoting a political issue, for influencing the outcome of an election for local or state office, or for influencing the outcome of a referendum or special election.

"Political candidate" means any person who has made known his or her intention to seek, or campaign for, local or state office in a general, primary or special election.

"Political party" means any party, organization or group having as its purpose the promotion of political candidates or political campaigns.

B. Notwithstanding any contrary provision of law, general or special, no locality shall prohibit *an employee of the locality, including* firefighters, emergency medical technicians or law-enforcement officers within its employment, or deputies, appointees and employees of local constitutional officers as defined in § 15.2-1600, from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality.

C. For purposes of this section, the term "political activities" includes, but is not limited to: voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of, or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.

D. ~~Firefighters~~ *Employees of a locality, including firefighters*, emergency medical technicians, law-enforcement officers, and other employees specified in ~~§ 15.2-1512.2 subsection B~~ are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.

E. ~~Firefighters~~ *Employees of a locality, including firefighters*, emergency medical technicians, law-enforcement officers, and other employees specified in ~~§ 15.2-1512.2 subsection B~~ are prohibited from discriminating in the provision of public services, including but not limited to fire fighting, emergency medical, or law-enforcement services, or responding to requests for such services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.

F. ~~Firefighters~~ *Employees of a locality, including firefighters*, emergency medical technicians,

60 law-enforcement officers, and other employees specified in ~~§ 15.2-1512.2~~ *subsection B* are prohibited
61 from suggesting or implying that a locality has officially endorsed a political party, candidate or
62 campaign.