

Amending Chapter 16-300 of the Philadelphia Code entitled “Maintenance and Supervision” by authorizing the Commissioner of Public Property to promulgate regulations prohibiting City employees from possessing certain symbols, materials, and objects in City-owned or City-occupied facilities; all under certain terms and conditions.

THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 16 of The Philadelphia Code is hereby amended to read as follows:

TITLE 16. PUBLIC PROPERTY

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CHAPTER 16-300. MAINTENANCE AND SUPERVISION

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§16-309. PROHIBITION OF SYMBOLS BY CITY EMPLOYEES

(1) Legislative Findings.

WHEREAS, The government can limit the time, place and manner of speech and expression so long as the regulation promotes a substantial government interest that would be achieved less effectively absent the regulation; and

WHEREAS, Limited categories of speech and expression, such as obscenity, defamation, and fighting words, may be regulated by the government because of their constitutionally proscribable content; and

WHEREAS, The City’s interests as an employer in regulating the speech and expressions of its employees differ significantly from those it possesses in connection with the regulation of the speech of the citizenry in general; and

WHEREAS, A public employee's expression is generally not subject to the protection of the First Amendment unless the expression satisfies additional criteria that ordinary citizens' expression need not satisfy; and

WHEREAS, To afford constitutional protection, an employee’s speech must involve a matter of public concern and the employee’s interest in expressing him or herself as a private citizen must outweigh the City’s interests in promoting workplace efficiency of the public services it performs through its employees and avoiding workplace disruption.

(2) Prohibited Conduct. The Commissioner of Public Property is authorized to promulgate regulations, penalties and enforcement means prohibiting symbols, materials, objects, or characterizations which one knows, or has reasonable grounds to know, arouses anger, alarm or resentment in others on the basis of race, color, creed, religion, national origin, gender and sexual orientation in any or all City-owned or City-occupied facilities by City employees if, in the judgement of the Commissioner, such symbols, materials, objects, or characterizations would cause workplace inefficiencies and disruptions.

SECTION 2. This Ordinance shall take effect immediately upon its enactment.