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AGENDA COVER MEMO

AGENDA DATE: June 3, 2008
Memorandum Date: May 14, 2008

TO: LANE COUNTY BOARD OF COMMISSIONERS
DEPARTMENT: LANE COUNTY OFFICE OF LEGAL COUNSEL
PRESENTED BY: Lisa M. Lacey, Paralegal
AGENDA ITEM TITLE: In the Matter of Amending Chapter 2 of the Lane Manual to Update Restrictions on Political Activities of Public Employees (LM 2.365)

I. MOTION

I MOVE TO APPROVE AMENDMENT OF LANE MANUAL CHAPTER 2 TO UPDATE THE RESTRICTIONS ON POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES CONSISTENT WITH STATE LAW

II. AGENDA ITEM SUMMARY

The Board is being asked to update Lane Manual Chapter 2 to reflect changes in state law pertaining to political activities of public employees.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History The Board last amended this policy in 1986. State law was most recently modified in 2007; proposed language reflects current regulations.

B. Policy Issues The policy objective is to conform Lane County's policies to the 2008 Restrictions on Political Campaigning by Public Employees, pursuant to ORS 260.432.

C. Board Goals Approving the Order relates to at least two of the County's Strategic Plan goals, by informing employees how to perform their jobs within the parameters of state law:

1. SERVICE IMPROVEMENT

- (a) " * * * each employee will be responsible for contributing to the overall success of the County by performing his or her job to the best of his or her ability."
- (b) "As part of the County's Succession Plan, we will focus on retaining current employees and ensuring they possess the knowledge, skills and abilities to perform their jobs well."

2. RESOURCE PLANNING AND ALLOCATION

- (a) "Specify policies * * * so employees have the knowledge, skills, and abilities to perform well."
- (b) " * * * includes effective communication with the public, internally among County personnel, and between County departments and other agencies that work with the County."

D. Financial and/or Resource Considerations There are no anticipated financial implications.

E. Analysis An updated Lane Manual section, reflecting current state law pertaining to political activities of public employees, provides an additional resource for employees to access and determine what political activities are permitted on the job and which are not. Updating and identifying current policies also demonstrates the Board's commitment and confirmation of these policies.

F. Alternatives/Options

1. Approve the Order;
2. Do not approve the Order.

IV. TIMING/IMPLEMENTATION

Effective immediately.

V. RECOMMENDATION

Approve the Order.

VI. ATTACHMENTS

Board Order with LM pages attached

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 2
OF THE LANE MANUAL TO UPDATE
RESTRICTIONS ON POLITICAL ACTIVITIES OF
PUBLIC EMPLOYEES (LM 2.365)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 2 is hereby amended by deleting, substituting, and adding the following section:

DELETE THIS SECTION

2.365
as located on page 2-26 through 2-27
(a total of 2 pages)

INSERT THIS SECTION

2.365
as located on page 2-26 through 2-27
(a total of 2 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to update restrictions on political activities of public employees. (LM 2.365).

Adopted this _____ day of _____ 2008.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 5/15/08 Lane County



OFFICE OF LEGAL COUNSEL

OTHER PERSONNEL POLICIES

2.350 Reimbursement for Moving Expenses.

It is the policy of Lane County, when individuals are recruited out of the area to fill certain key positions, such as the Director of a Department, a Division Head, or certain key professional positions, that Lane County will provide some measure of reimbursement for moving expenses incurred by those individuals. The amount of reimbursement shall be as follows:

(1) Fifty percent (50%) of the expenses of the move shall be reimbursed by Lane County when the move is accomplished by a professional mover; or

(2) One hundred percent (100%) of the expenses of the move shall be reimbursed by Lane County when the move is accomplished solely by the individual involved. The determination of what shall be construed as "key position" and an "out of the area" recruitment shall be made by the County Administrator. *(Revised by Order No. 98-4-1-11, Effective 4.1.98)*

2.355 Release of Employee Information.

Because each employee personnel file contains personal information which it is both in the public's and individual employee's interest not to disclose, these files shall be treated as confidential. However, members of the public may be furnished nonpersonal information about County employees such as name, employing department, position, wage classification and length of time employed by the County. The release of any employee information, however, for commercial, political or other associated purposes is strictly prohibited.

Personnel files shall be available to appointing authorities and those persons expressly authorized in writing by such appointing authorities, to members of the Board, the County Administrator and the Human Resources Director and his or her staff. Individual employees may examine their own files. *(Revised by Order No. 98-4-1-11, Effective 4.1.98; 06-11-29-4, 11.29.06)*

2.360 "After Hours" Access.

The County Administrator has full authority over access to the Courthouse/Public Service Building between 5:30 p.m. and 7:00 a.m. weekdays and all day Saturday, Sunday and holidays. *(Revised by Order No. 98-4-1-11, Effective 4.1.98)*

2.365 Political Activities.

This section provides a general summary of the law regarding the rights and limitations County employees concerning political activities.

(1) You may **NOT**:

(a) As a public employee during working hours, solicit any money, influence, service or other thing of value in any form or aid, promote or oppose any political committee, the nomination or election of any person to public office, or the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

(b) Attempt to, or actually coerce, command or require a public employee to contribute in any manner, including money or any service, to any political committee, to the nomination or election of any person to public office, or the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

(c) Use your own name to donate another person's money in connection with a nomination or election.

(d) Use undue influence on another person in connection with voter registration, candidacy for an office, contribution or assistance to a candidate, or challenging a voter.

(e) Accept any employment with agreement to contribute any part of your compensation to a candidate or political or political committee.

(2) DO.

(a) Make all your political contributions in your own name and pay to the political treasurer whose name is legally on file for the candidate or committee being contributed to.

(b) If your agency's primary activity is funded in whole or in part by federal grants or loans, inquire into the more restrictive federal law, mainly the Hatch Act, on political activity.

(3) You MAY.

(a) Express your personal political views.

(b) Participate in political activities in the same manner as any other person except as expressly limited by state or federal statute or local ordinance (generally summarized above).

(4) If you have questions, consult an attorney of your choice.

(5) Consult the Oregon Secretary of State's publication entitled Restrictions on Political Campaigning by Public Employees.

(6) Each Department Head shall be required to post the following notice in a conspicuous place likely to be seen by all employees in that Department, in accordance with ORS 260.432 as amended by section 8, Chapter 589 Oregon Laws 2007:

ATTENTION ALL PUBLIC EMPLOYEES.

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours. *(Revised by Order No. 73-11-13-2, Effective 11.28.73; 86-8-27-11, 8.27.86)*

2.370 Accident/Disability Payments.

This section delineates Lane County's policy and procedure regarding individual payment or reimbursements from State Industrial Accident or Disability Insurance for County employees, except as otherwise delegated to the Fair Board by LC 2.225(1).

(1) Policy.

(a) The County provides a number of benefit plans that pay some continuation of salary when an employee is unable to work because of sickness or

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

2.350

Lane Manual

2.365

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Personnel files shall be available to appointing authorities and those persons expressly authorized in writing by such appointing authorities, to members of the Board, the County Administrator and the Human Resources Director and his or her staff. Individual employees may examine their own files. *(Revised by Order No. 98-4-1-11, Effective 4.1.98; 06-11-29-4, 11.29.06)*

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(b) Attempt to, or actually coerce, command or require a public employee to contribute in any manner, including money or any service, to any political committee ~~or~~, to the nomination or election of any person to public office, or the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.;

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- 2.370 Lane Manual 2.370
- (c) Use your own name to donate another person's money in connection with a nomination or election.
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 - (e) Accept any employment with agreement to contribute any part of your compensation to a candidate or political or political committee.
- (2) DO.
- (a) Make all your political contributions in your own name and pay to the political treasurer whose name is legally on file for the candidate or committee being contributed to.
 - (b) If your agency's primary activity is funded in whole or in part by federal grants or loans, inquire into the more restrictive federal law, mainly the Hatch Act, on political activity.
- (3) You **MAY**.
- (a) Express your personal political views.
 - (b) Participate in political activities in the same manner as any other person except as expressly limited by state or federal statute or local ordinance (generally summarized above).
- (4) If you have questions, consult an attorney of your choice.
- (5) **Consult the Oregon Secretary of State's publication entitled Restrictions on Political Campaigning by Public Employees.**
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It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours. (Revised by Order No. 73-11-13-2, Effective 11.28.73; 86-8-27-11, 8.27.86)

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