

OREGON GOVERNMENT ETHICS COMMISSION

DIVISION 5

GIFTS

199-005-0080

Policies specifying when a public official acting in an official capacity may directly supervise a relative or member of household under ORS 244.179

(1) The purpose of this rule is to provide guidance to public bodies in creating and adopting a policy that specifies when a public official acting in an official capacity may directly supervise a person who is a relative or member of the household of the public official.

(2) A policy that specifies when a public official acting in an official capacity may directly supervise a relative shall be in writing and shall be formally adopted by the public body that the public official serves.

(3) A policy that specifies when a public official acting in an official capacity may directly supervise a relative shall comply with the other provisions of ORS Chapter 244. Any such policy shall provide for delegation to another person of any task that would constitute a prohibited use of office for financial gain pursuant to ORS 244.040(1) or a conflict of interest pursuant to ORS 244.120. The policy shall provide a method that complies with ORS 244.120 for the supervising public official to handle conflicts of interest when called upon to take actions or make decisions or recommendations regarding the financial interests of the relative or member of household who is being supervised.

Some examples of tasks that might constitute prohibited use of office or a conflict of interest if performed by a public official for a relative or member of household who the public official was supervising:

Performing or approving an annual review or performance evaluation

Signing a paycheck for a relative or member of household

Signing a personnel action form providing for a change in salary or benefits for the relative or member of household

Assigning shifts where there is discretion as to number of hours, differential pay rates or overtime

Approving overtime or expenses

(4) Nothing in this rule shall be construed to allow a public official to perform any of the tasks prohibited by ORS 244.177 regarding employing a relative or member of household. ORS 244.177(1)(a) prohibits a public official, except as otherwise provided, from appointing, employing or promoting a relative or member of the household to, or discharging, firing, or demoting a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of ORS Chapter 244. ORS 244.177(1)(b) prohibits a public official from participating as a public official in any interview, discussion or debate regarding the appointment, employment or

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promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control. For further definitions and exceptions, see ORS 244.177.

Stat. Auth.: ORS 244.290

Stat. Implemented: ORS 244.179