



PORTLAND PUBLIC SCHOOLS

OFFICE OF GENERAL COUNSEL

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3570 / Fax: (503) 916-2724

Mailing Address: P. O. Box 3107 / 97208-3107

To: Building administrators
From: Mary Kane
Date: March 28, 2019
RE: Campaign Guidelines for Public Employees

We have been receiving inquiries from building administrators on how to respond to requests from School Board candidates to visit schools to meet with parents, students and PTA groups. Oregon law strictly limits political activities that public employees may engage in during work hours. Under Oregon's "Solicitation of Public Employees" law, ORS 260.432, public employees may not, during work hours, promote or oppose election petitions, candidates, political committees or ballot measures. Below are some examples of what school staff can and cannot do during work hours.

Political Activities in the Workplace

A. Prohibited activities

- Grant unequal access to public facilities to candidates or political committees.
- Distribute or post materials promoting or opposing a candidate or political positions.
- Collect funds, prepare filing forms or correspondence on behalf of candidates or political committees.
- Schedule meetings for or organize a campaign event (for example a meet and greet) on behalf of a candidate.
- Use district resources on behalf of a candidate or political campaign.

B. Allowable activities

- Arrange and provide administrative support for a candidate forum open to all candidates, though not all candidates must attend.
- Prepare and distribute impartial written material or make an impartial presentation discussing election subjects.
- Respond to scheduling requests for candidates to visit schools.
- Encourage people to vote.
- Wear political buttons supporting a specific candidate or position, unless the employee is also providing voter registration services.

Political Activities During Personal Time

A. Engaging in Political Activity During Personal Time

- ORS 260.432 only prohibits political activity when a public employee is participating during work time or acting in their official capacity.

- Public employees are generally free to engage in political activity when acting in a personal capacity and not using their work time.
- If there is any potential for confusion about whether an employee is acting in a personal or official capacity, the employee should state that they are acting solely in their personal capacity and do not represent the views of the District.

B. If participating in their personal capacity, as permitted above, then public employees:

- Should not use their official title when identifying themselves
- Should include a disclaimer that they are not speaking on behalf of the District or in their official capacity
- Should not use District funds or resources to facilitate or support their participation in the activity
- Should not participate during work hours or should use approved leave, if the activity occurs during work hours

C. Restrictions on Employees in District Leadership Positions:

- Employees in District leadership positions, including Senior Leadership Team members, Area Directors, and administrators in District policymaking positions, may be restricted from participating in political activities, in their personal capacity, when those activities conflict with their official duties and responsibilities.
- For example, a senior level administrator attending a political event should refrain from participating in an activity or advocating or expressing supporting for a position that is in conflict with the District's official position or policy or which conflicts with their senior leadership duties and responsibilities.
- The above restrictions on senior leadership generally do not apply to District employees in lower level administrative positions, especially if they are not involved in formulating District policy. The above restrictions on senior leadership also do not apply to non-administrative positions, including teachers and classified staff, unless those employees are acting in their official capacity as authorized by the District. For, example a building principal or teacher testifying before a legislative committee in their official capacity, in accordance with their supervisor's direction, may be restricted from acting in a manner that conflicts with the District's official position or policy or that conflicts with their official duties and responsibilities as a District employee.
- Lower level administrators, especially if not involved in making District policy, and non-administrative public employees generally have broad free speech rights, especially when engaging in speech on matters of public import.

The Secretary of State's office has produced helpful guidance on this issue which can be found here: <https://sos.oregon.gov/elections/Documents/restrictions.pdf>. If you need additional assistance or have further questions, please don't hesitate to contact the General Counsel's office.

Finally, ORS 260.432 requires public employers to post the following notice in a conspicuous place within its buildings:

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. (ORS 260.432)