SUMMARY

Allows public official to appoint, employ or promote relative or member of household to position with public body that public official serves if public official complies with conflict of interest requirements. Prohibits public official from participating in interview, discussion or debate regarding appointment, employment or promotion of relative or member of household. Provides exceptions for legislative staff and unpaid volunteers.

Prohibits public official acting in official capacity from directly supervising relative or member of household. Provides exceptions.

Allows public bodies to adopt policies specifying when public official may supervise relative or member of household.

A BILL FOR AN ACT

Relating to government ethics.

Be It Enacted by the People of the State of Oregon:

NEPOTISM

SECTION 1. Sections 2 to 4 of this 2007 Act are added to and made a part of ORS chapter 244.

SECTION 2. As used in sections 3 and 4 of this 2007 Act:

(1) “Governing body” has the meaning given that term in ORS 192.610.

(2) “Member of the household” means any person who resides with the public official.

(3) “Public body” has the meaning given that term in ORS 174.109.

(4) “Relative” means the spouse of the public official, any children of the public official or of the public official’s spouse, and brothers,
sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren or parents of the public official or of the public official's spouse.

SECTION 3. (1) Except as provided in subsections (2) to (4) of this section:

(a) A public official may appoint, employ or promote a relative or member of the household to a position with the public body in which the public official serves or over which the public official exercises jurisdiction or control if the public official complies with the conflict of interest requirements of this chapter.

(b) A public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to a position with the public body in which the public official serves or over which the public official exercises jurisdiction or control. As used in this paragraph, "participate" does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.

(2) A member of the Legislative Assembly may appoint, employ, promote or advance or advocate for the appointment, employment, promotion or advancement of a relative or member of the household of the member of the Legislative Assembly to a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official may appoint, employ, promote or advance or advocate for the appointment, employment, promotion or advancement of a relative or member of the household to a position as an unpaid volunteer with the public body in which the public official serves or over which the public official exercises jurisdiction or control.

(b) Paragraph (a) of this subsection does not apply to the appoint-
ment, employment, promotion or advancement of a relative or mem-
ber of the household to a position as an unpaid member of a governing
body of the public body in which the public official serves or over
which the public official exercises jurisdiction or control.

(c) A relative or member of the household described in paragraph
(a) of this subsection may receive reimbursement of expenses provided
in the ordinary course of business to similarly situated unpaid vol-
unteers.

(4) This section does not prohibit a public body from appointing,
employing or promoting a person who is a relative or member of the
household of a public official serving the public body.

SECTION 4. (1) Notwithstanding ORS 659A.309 and except as pro-
vided in subsections (2) to (4) of this section, a public official acting
in an official capacity may not directly supervise a person who is a
relative or member of the household.

(2) A member of the Legislative Assembly may directly supervise a
person who:

(a) Is a relative or member of the household of the member of the
Legislative Assembly; and

(b) Serves as a public official in a position on the personal legisla-
tive staff of the member of the Legislative Assembly.

(3)(a) A public official acting in an official capacity may directly
supervise a person who is a relative or member of the household if the
person serves as an unpaid volunteer.

(b) Paragraph (a) of this subsection does not apply to service by a
person in a position as an unpaid member of a governing body in
which a public official of whom the person is a relative or member of
the household serves or over which the public official exercises juris-
diction or control.

(c) A relative or member of the household serving as an unpaid
volunteer described in paragraph (a) of this subsection may receive
reimbursement of expenses provided in the ordinary course of business
to similarly situated unpaid volunteers.

(4) A public body may adopt policies specifying when a public official
acting in an official capacity may directly supervise a person who
is a relative or member of the household.

MISCELLANEOUS PROVISIONS

SECTION 5. (1) Section 3 of this 2007 Act applies to appointments,
employment, promotions, advancements or advocacy that first occurs
on or after the effective date of this 2007 Act.

(2) Section 4 of this 2007 Act applies to supervisory relationships
that first occur on or after the effective date of this 2007 Act.

SECTION 6. The unit captions used in this 2007 Act are provided
only for the convenience of the reader and do not become part of the
statutory law of this state or express any legislative intent in the
enactment of this 2007 Act.