

Legal Do's and Don'ts of Political Activity and Speech

OVERVIEW:

There are four sets of laws governing public employee political activity.

1. **Article 1, section 8 of the Oregon Constitution and the First Amendment of the U.S. Constitution.**

Public employees, like all other citizens, have a right to express their own personal political views. **Those free speech rights, however, may be restricted on work time, or when expressed in a manner suggesting that the public employer endorses the political view.**

2. **ORS 260.432 — Oregon's "Little Hatch Act."**

This law generally states that a **public employee may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures.** Additionally, no person (including elected officials) may threaten or coerce a public employee into doing so.

3. **ORS 243.650 et seq — Oregon's Public Employee Collective Bargaining Act.**

This law gives public employee labor organizations and their members certain rights relating to Association activity, including the right to bargain for access to members and the use of school equipment for Association activities.

4. **ORS 244.040 — Oregon's Government Ethics Law.**

This law prohibits "public officials" (including public employees and volunteers) from using their position to their personal benefit or detriment. This law is relevant to the personal use of email and other public resources.

The line between protected and prohibited political activity can be difficult to draw. On the following pages, we will identify the parameters of permissible activity and answer some common questions. The Secretary of State also has helpful publications posted on its web site addressing public employee political activity:

www.sos.state.or.us/elections/Publications

Because there could be both political and financial consequences to violating these laws, members and Association leaders should contact their UniServ Consultant or the OEA Government Relations department with any questions.

Political Do's and Don'ts

DO

- **DO engage in political activities** when you are "off" work
 - during duty free lunch
 - other paid "duty free" breaks
- **DO use home email address** for political messages*
- **DO put newsletters and flyers** in staff mailbox as long as not read during work time
- **DO wear campaign buttons**
- **DO use bumper stickers and signs** on cars and personal belongings
- **DO be careful** when expressing political views to students and be sure it is in an educationally appropriate manner

***Remember, any school email is NOT private or protected**

DON'T

- **DON'T engage in political activities** during normal working hours
 - at school sponsored activities
 - during prep time
 - at local Association meetings held during normal working hours
- **DON'T use school email** for political purposes*
- **DON'T disrupt** the educational environment
- **DON'T solicit your colleagues** as political volunteers or fundraise during normal work hours
 - **DON'T EVER SOLICIT STUDENTS!**

***Remember, any school email is NOT private or protected**