

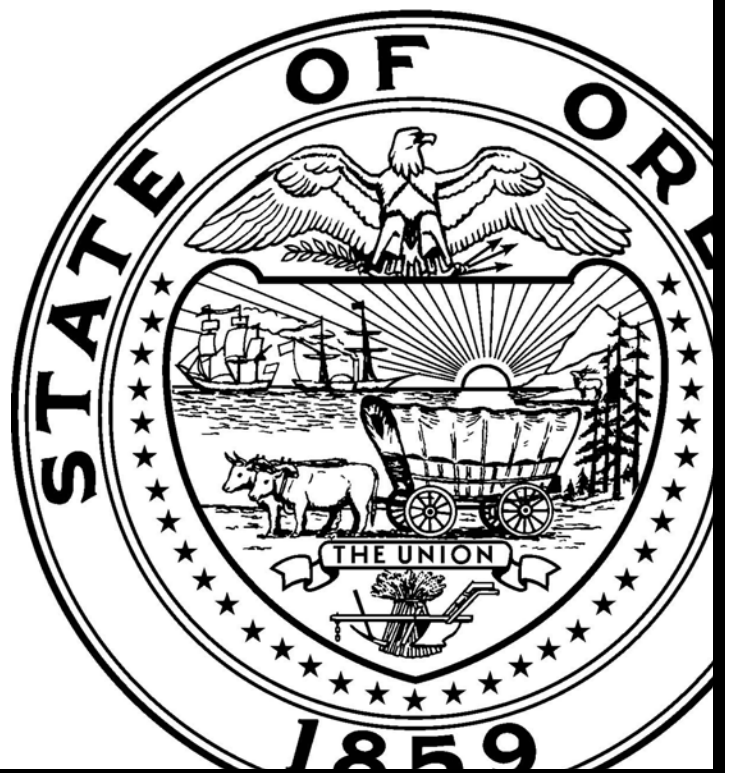
# STATE OF OREGON

# MANAGEMENT

# HANDBOOK

PREPARED BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES

JANUARY 2007







# Oregon

Theodore R. Kulongoski, Governor

## Department of Administrative Services

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Welcome to state management.

As a new state manager, you will face a number of responsibilities and challenges that managers in the private sector do not face. This handbook is intended to provide you with a quick orientation to and overview of many of those responsibilities. It will focus on state government operations, procedures, and requirements that affect all agencies.

We hope to provide you with important information in an understandable and accessible form. Although the handbook provides only the highlights on each topic, it does provide references and resources from which you can obtain more detailed information as needed. The reference sources listed in the handbook for a given topic may include websites, relevant statutes and rules, applicable publications, and phone numbers.

The majority of the program areas covered are written with a statewide perspective. In the case of most agencies, there are staff who specialize in dealing with many of the issues covered in this handbook. We would encourage you to check with the specialists in your agency before contacting the statewide divisions discussed here.

We hope this handbook helps your transition into state management.



# State Management Handbook

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<b>I. Employee Relations .....</b>	<b>1</b>
Human Resources .....	1
Role of Department of Administrative Services Human Resource Services Division .....	1
Role of Agency Human Resource Offices .....	1
DAS HRSD Functions.....	1
PERS Reconciliation .....	2
Categories of State Service.....	2
Major Human Resource Issues .....	3
Affirmative Action .....	3
Employee Development and Training.....	3
Merit Pay System .....	3
Performance Management.....	3
Progressive Discipline and Discharge – Classified Employees .....	4
Harassment-free/Violence-free Workplace .....	4
Safety .....	5
Injured Workers.....	5
Emergency Evacuation.....	5
Fair Labor Standards Act.....	5
Americans with Disabilities Act.....	6
Federal Family and Medical Leave Act and Oregon Family Medical Leave Act.....	7
Teleworking.....	7
Labor Relations.....	7
Collective Bargaining.....	8
Employee Grievances.....	8
Trend Toward Collaborative Labor Relations.....	8
Agency Considerations.....	8
Role of the DAS HRSD Labor Relations Unit.....	9
Collective Bargaining Process.....	9
Contract Administration .....	9
Employee Benefits.....	10
Public Employees’ Benefit Board .....	10
Public Employees’ Retirement Board .....	11
<b>II. The Budget Process.....</b>	<b>12</b>
Overview.....	12
Benchmarks .....	12
Budget Cycles.....	12
Agencies Execute the Approved Budget over the Biennium .....	12
Funding Sources .....	13
General Fund .....	13
Other Funds .....	13
Federal Funds .....	13
Lottery Funds.....	13
Steps in Oregon’s Budget Process.....	13
Automated Budget Systems.....	14
Oregon Budget Information Tracking System .....	14
Position Information Control System.....	14

# State Management Handbook

---

Statewide Expenditure Allotment System.....	15
Position Reallocation Process.....	15
<b>III. Public Procurement.....</b>	<b>16</b>
Purchasing.....	16
Role of State Services Division, State Procurement Office .....	16
Procurement Authority .....	16
Dollar Thresholds .....	16
Price Agreements.....	17
Small Purchase Order Transaction System .....	17
Personal Liability.....	17
Contract Types.....	17
Source Selection .....	17
Qualified Rehabilitation Facilities.....	18
Intergovernmental, Interstate and Interagency Agreements.....	18
Oregon Procurement Information Network.....	18
Surplus Property .....	19
State Surplus Property .....	19
Federal Surplus Property .....	20
Statewide Fleet Administration .....	20
Vehicle Use .....	21
State-owned Vehicle .....	21
Privately-owned Vehicle on State Business.....	21
Rental Vehicle .....	22
Risk Management .....	22
Role of DAS Risk Management.....	22
How are You Protected While Doing State Business?.....	23
State Property Coverage .....	23
Tort Liability Coverage .....	23
Employee Dishonesty Coverage.....	24
Workers' Compensation Coverage.....	24
What are Your Clearest Risks of Personal Liability?.....	24
What do You Need to do to Get Coverage?.....	25
What Does this Mean for You? .....	25
Publishing and Distribution .....	25
Travel.....	26
Regulation of Travel.....	26
Accounting and Reporting .....	26
Statewide Systems .....	27
Accounting System.....	27
E-government .....	28
Payroll Process .....	28
State Audits .....	29
Types of Audits .....	29
Audit Process.....	30
Common Areas for Improvement .....	30
Audits Division Hot line .....	30

# State Management Handbook

---

Information Systems and Telecommunications Resources .....	31
What are Information Systems Resources? .....	31
Oregon’s Information Systems History and Status .....	32
Enterprise Information Strategy and Policy Division .....	33
Enterprise Business Continuity Planning .....	33
Oregon E-government Program .....	33
Enterprise Security Office .....	34
Geospatial Enterprise Office .....	34
IT Investment and Planning .....	34
State Data Center .....	35
Distributed Systems and Enterprise Systems .....	35
Network Services .....	35
Voice Services .....	35
Buildings and Property .....	36
Renting or Leasing Office Space .....	36
ADA Building Issues .....	36
Remodeling Existing Property .....	37
Sales and Solicitations on State Property .....	37
Security .....	38
Firearms and Alcohol in the Workplace .....	38
Resource Conservation Management .....	39
Laws, Rules, and Counsel .....	39
Your Agency’s Laws and Rules .....	39
Role of the Department of Justice .....	40
Role of Your Assigned Assistant Attorney General .....	40
Attorney General Opinions and Letters of Advice .....	40
Attorney General Services for Legislative Matters .....	41
Department of Justice Special Services and Publications .....	41
Public Records and Public Meetings .....	42
What are Public Records? .....	42
How to Determine if a Document is Public .....	42
State Records Center .....	42
State Archives .....	42
Public Meetings .....	43
Government, Ethics and You .....	43
Code of Ethics .....	43
Conflicts of Interest .....	43
Ethics and Lobbying Laws .....	44
Lobbying by State Employees .....	44
Election Activity .....	45
<b>IV. Public and Legislative Relations .....</b>	<b>47</b>
Public Relations .....	47
Responses to Citizens’ Complaints .....	47
News Media Relations .....	47
Legislative Relations .....	48
Legislative Requests for Information and Reports .....	48
Meeting with Legislators or Testifying before the Legislature .....	48

# State Management Handbook

---

Technological Alternatives.....	49
Legislative Structure.....	49
Organization .....	49
Process: Legislative Bills .....	50
Steps in Enacting a Bill .....	50
State of Oregon Organization Chart.....	51
Map of the Capitol Mall .....	51



## I. Employee Relations

### Human Resources

#### Role of Department of Administrative Services Human Resource Services Division

The Department of Administrative Services (DAS) Human Resource Services Division (HRSD) provides human resource services to state agencies. HRSD is governed by ORS 240 and collective bargaining agreements and writes rules and policies that guide and direct agencies in their human resource management practices. HRSD consults with agency human resources offices in interpreting and administering state and federal human resource laws, rules, and policies and provides the statewide, enterprise perspective so that the state of Oregon acts as one employer.

#### Role of Agency Human Resource Offices

Agency human resource offices (also called personnel offices) are responsible for interpreting and administering state and federal human resource laws, rules, and policies for the employees of their agency. The role of human resources (HR) includes strategic planning, facilitating change, encouraging learning, and integrating HR functions into the management of the agency and its programs. The services offered by HRSD to state employees are generally channeled through agency HR offices.

#### DAS HRSD Functions

The following is a brief summary of the services that HRSD provides to state agencies:

- **Recruitment** – Provides tools and resources that assist agencies in the recruitment of a diverse workforce.
- **Executive Recruitment** – Provides consultation and services to agencies, boards and commissions in the recruitment and placement of qualified executive staff.
- **Classification** – Develops and maintains the state’s classification structure.
- **Compensation** – Develops and maintains the state’s compensation system and supports the decision-making process on state employees’ pay.
- **Labor Relations** – Represents all state agencies that have bargaining units in collective bargaining negotiations and oversees the administration of union contracts.
- **HR Management and Consultation** – Develops and maintains statewide HR policies and administrative rules and assists state agencies with HR management. Provides interpretation and recommendations on application of rules and policies.
- **HR Audit Program** – Reviews state agency compliance with federal and state personnel relations laws and HRSD rules and policies.

# State Management Handbook

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**Training and Development Services** – Provides management development and leadership courses, end-user computer training, and professional development training. Manages agency requested training and assists agencies in locating resources and exploring collaborative approaches to meeting agency training and development needs.

## **PERS Reconciliation**

**HR Personnel Information Systems** – Maintains a centralized position and personnel database for all state employees and maintains the statewide application/certification system which supports the recruitment and selection process for state jobs.

**Employee Suggestion Awards Program** – Encourages and rewards state employees' creativity and ideas for improved efficiency and effectiveness.

**HIRE System** – Maintains a statewide hiring system to enhance opportunities for qualified individuals with disabilities to become employed in state service.

**Diversity Programs** – Provides consultation and services to agencies, boards and commissions in the short- and long-term development and creation of a diverse workforce.

## **Categories of State Service**

ORS 240.195 defines categories of state service as:

- **Classified Service** – All positions that are not in management, unclassified, or exempt service.
  - Classified represented—covered by a collective bargaining agreement (union contract).
  - Classified unrepresented—not covered by a collective bargaining agreement.
- **Management Service** – All positions not unclassified or exempt that are confidential, supervisory, or managerial as defined in ORS 243.650.
- **Unclassified** – Positions defined as follows:
  - Executive Service: includes agency directors and deputy directors, executive officers of boards and commissions, and principal assistants to directors and deputy directors.
  - Other positions defined by statute in ORS 240, including licensed physicians, dentists, and lawyers employed in their professional capacities (may be represented by a collective bargaining agreement).
  - Any other positions designated by law as unclassified (may be represented by a collective bargaining agreement).
- **Exempt** – Positions which are designated by statute as exempt from the provisions of ORS 240.

**Contact for Information:** Your agency's HR office.

**Web site for Additional Information:** [oregon.gov/DAS/HR/](http://oregon.gov/DAS/HR/).

# State Management Handbook

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## Major Human Resource Issues

The following are workforce topics and issues you need to be aware of and engaged in as a manager. The information below provides a brief explanation of each area. To fully understand these issues and how you and your agency address them, you should contact your agency's HR office for support.

### Affirmative Action

The state of Oregon is an equal opportunity employer committed to fair and equal employment and advancement for all of its employees.

### Employee Development and Training

The state of Oregon supports initial and ongoing training for all state employees to help each employee develop the skills they need to be successful and further support sound business practices. As a manager, you are responsible for ensuring that employees receive all necessary training to perform their jobs and support their ongoing development. This includes developing or updating a written training plan for each employee each year. HRSD state policy requires all agencies to have a written agency training plan that provides for a minimum of 20 hours of education and training related to work skills and knowledge for at least half of their permanent employees in each fiscal year (HRSD State Policy 50.045.01).

Sometimes agencies lack sufficient funds to send every employee to training in all the needed topic areas. There are many resources within the state system to help your agency find affordable training for your staff as well as many ways, other than formal training, to develop your staff. Most agencies support opportunities for job shadowing, formal and informal mentoring, job rotations and self-training resources. Your agency training staff, HR office, or DAS Training and Development Services, will be able to assist you in this area.

**Contact for Information:** Your agency's training office, HR office, or DAS Training and Development Services, 503-378-3040.

### Merit Pay System

The state has a merit pay system to encourage outstanding individual performance and organizational accomplishments. The merit pay system provides for monetary awards to employees based on past meritorious service and contribution to the mission and goals of the agency. This system allows for the orderly progression of an employee's pay from the established minimum to the maximum of the salary range based on documented meritorious performance.

### Performance Management

The performance management process is a tool to assist managers and supervisors in managing the performance of their staff by promoting employee understanding of successful job performance and commitment to the objectives and goals critical to the success of their agency.

# State Management Handbook

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Each supervisor develops an annual, written performance evaluation for each employee supervised and discusses it with the employee prior to the performance appraisal date. Also included in the performance evaluation process is completion of an individual employee development plan that provides for the continuous improvement of the employee's job-related knowledge and skills.

## **Progressive Discipline and Discharge – Classified Employees**

The state's collective bargaining agreements generally require that the principles of progressive discipline be followed when disciplining employees. HRSD state policy also applies these principles to classified unrepresented employees.

Progressive discipline generally ranges from a written reprimand up to termination. The disciplinary actions increase in severity depending upon the seriousness of the conduct, performance or behavior. If an employee does not correct his or her performance deficiencies in a reasonable amount of time after being advised of them, more serious discipline is imposed. Occasionally, depending upon the seriousness of the conduct, performance or behavior, termination may be considered without proceeding through the full progressive discipline process.

In order for progressive discipline to motivate employees to change their conduct, the disciplinary actions should:

- Advise employees of the specific shortcomings that are in question
- Provide a chance for them to make corrections.

**Contact for Information:** Your agency's HR office.

**Relevant Materials Available:** Progressive Discipline versus Discharge for Management Service – Executive Service – Policy 70.000.01, 40.055.05.

## **Harassment-free/Violence-free Workplace**

It is the policy of the state of Oregon to provide a work environment free from behavior, action, or language which may be perceived by others as hostile, intimidating, violent, or abusive.

Workplace harassment is a form of offensive treatment or behavior which to a reasonable person creates an intimidating, hostile, or abusive work environment. It may be sexual, racial, religious, or based on a person's age, disability, or national origin, or status as a member of any protected class.

**Contact for Information:** Your agency's HR office.

# State Management Handbook

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## Safety

As a leader in worker safety, the state of Oregon has a commitment to ensuring the safety of workers, visitors, and residents of any state controlled properties. It is the responsibility of every state employee to work in a safe manner and to correct or report unsafe conditions as soon as they are recognized.

As a manager, you are responsible for ensuring that all safety rules and regulations are followed. You must also ensure that employees receive the training, information and support needed to perform their jobs in a safe manner.

**Contact for Information:** Your agency's safety professional—to assist in the administration of the agency safety program and to act as a resource for agency personnel.

## Injured Workers

If you have an employee who is injured on the job, contact your agency's HR staff or safety professional immediately. Each agency has a staff member to assist in the administration and management of workers' compensation claims, early return to work and employment injury programs for injured workers.

## Emergency Evacuation

Each agency location should have a Site Evacuation Coordinator (SEC) and a plan in place to deal with building emergencies. Contact your HR office to learn the name of your SEC.

Your SEC may ask you to appoint a work-unit Evacuation Coordinator (EC). This is part of your agency plan. The EC will be trained to implement the plan.

Different emergencies call for different responses. Buildings in the Capitol Mall area must have evacuation plans. You must evacuate when directed to do so.

**Contact for Information:** Your agency's SEC and/or EC.

## Fair Labor Standards Act

The Fair Labor Standards Act (FLSA), in general, requires that overtime compensation be paid to employees covered by the Act (non-exempt) for hours worked in excess of the established 40-hour workweek. There are exceptions to this rule for jobs such as firefighters, police officers, and certain hospital employees. The FLSA also requires that a minimum wage be paid to covered employees, including employees on "restricted" on-call duty. Certain workers are not covered by the FLSA. These non-covered workers include elected officials and their staffs, political appointees and legal advisors, bona fide volunteers, independent contractors, and prison inmates. Other employees, while covered by some provisions of the FLSA, are not covered by the FLSA's overtime and minimum wage requirements. They are "exempted" from such coverage.

# State Management Handbook

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The FLSA establishes minimum requirements that must be met. Oregon, like many other states, has passed wage and hour laws that provide for greater employee rights than are set by the FLSA. Many of the state's collective bargaining agreements also include articles which provide for rights greater than the FLSA minimums, especially in the area of overtime pay for the FLSA exempt employees.

State managers must ensure that the FLSA, state wage and hour, and collective bargaining obligations are all met. Following the Act alone will not excuse a violation of a collective bargaining agreement. Likewise, following a collective bargaining agreement alone will not excuse a violation of state law or the FLSA. Mistakes can be costly. The FLSA penalties may include back wages, liquidated damages, civil penalties, injunctive relief, and even criminal penalties.

**Contact for Information:** Your agency's HR office.

**Relevant Materials Available:** HRSD State Policy 20.005.020 discusses FLSA.

## Americans with Disabilities Act

Title 1 of the Federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified persons with disabilities in all terms and conditions of employment. ORS 659A.100, et. seq., also prohibits such discrimination. For protection under both of these laws, a person must have a "disability," which the laws define as:

- A physical or mental impairment that substantially limits one or more major life activities; or
- A record of such an impairment; or
- Being regarded as having such an impairment.

To qualify for protection under ADA and Oregon disability discrimination laws, the employee in question must be able to perform the essential functions of his or her job, with or without reasonable accommodation. The essential functions of a position are its most fundamental job duties—the duties for which the position exists to perform. A position's essential functions should be specified in the applicable position description.

Employers must make reasonable accommodations which would allow disabled applicants and employees to perform the essential functions of their job. Such accommodations typically include actions to make existing facilities accessible to, and usable by, the disabled employees and applicants in question; modify work schedules; provide qualified readers or interpreters; and acquire or modify equipment. An employer's obligation to make reasonable accommodations does not extend to accommodations that would constitute an undue hardship.

**Contact for Information:** Your agency's HR office or ADA coordinator.

# State Management Handbook

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## **Federal Family and Medical Leave Act (FMLA) and Oregon Family Medical Leave Act (OFLA)**

Federal and state laws provide up to 12 weeks of job-protected time off from work for a qualifying condition. Along with the job-protected time off, the laws grant other entitlements to qualifying employees.

Federal law entitles an eligible employee to take up to 12 weeks off for the birth or placement of a child for adoption or foster care, for an employee's own serious health condition, or for the care of the employee's spouse, child, or parent with a serious health condition.

Under Oregon law, eligible employees may typically take up to 12 weeks off in a 12-month period for family and medical reasons. Certain circumstances around pregnancy disability and parental leave may allow for additional time off under OFLA. This includes: birth or placement of a child for adoption or foster care; to care for a spouse, child, parent, or parent-in-law, or same sex domestic partner with a serious health condition; to recover from or seek treatment for the employee's own serious health condition; or to care for an employee's child who is suffering from an illness or injury which requires home care but is not a serious health condition.

Both laws require an employer to place an employee on family medical leave once it is known that a qualifying condition exists. There are different qualifying criteria for and different entitlements under each law. The laws also require employers to inform the employee of his/her entitlements. Therefore, it is important to follow your agency's family medical leave policy and procedures.

**Contact for Information:** Your agency's HR office.

## **Teleworking**

It is the policy of the state of Oregon to encourage state agencies to allow employees to telework when there are opportunities for improved employee performance, reduced commuting miles, or agency savings. Teleworking or telecommuting is a mutually agreed upon work option between the agency and the employee where the employee works at a tele-worksites on specified days and at the office the remainder of the time, retaining flexibility as necessary to meet the needs of the work unit. The tele-worksites may be in the employee's home or in a building owned or leased by the state that is closer to the employee's home than the workplace.

Each agency should have a written policy that defines the criteria and procedures for teleworking.

**Contact for Information:** Your agency's HR office.

## **Labor Relations**

For the Oregon public sector, the rules regarding collective bargaining and labor relations are set forth in a series of statutes which are collectively called the Public Employee Collective Bargaining Act (PECBA). This Act is found in ORS 243.650-243.782.

# State Management Handbook

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PECBA is interpreted and enforced by the Employment Relations Board (ERB). The board enforces PECBA by adopting rules and holding hearings on matters such as alleged unfair labor practices. It also administers the union election, certification and decertification process, and provides mediation services.

## **Collective Bargaining**

PECBA acknowledges the right of public employees to organize with representatives of their choice (generally called unions). PECBA also requires that public employers meet with employee representatives at “reasonable times” to bargain “in good faith” over certain subjects. It requires that the agreements resulting from these negotiations be put into writing. These contracts, also called collective bargaining agreements, are essentially a summation of the bargaining process (along with interest arbitration determinations for non-strikable units).

PECBA establishes some subjects as “mandatory” subjects of bargaining. This means that the employer and employee representatives are required to bargain in good faith regarding these subjects. They include direct or indirect monetary benefits, hours, vacation leave, sick leave, grievance procedures, and other conditions of employment. Other subjects are referred to as “permissive.” This means that bargaining on these subjects is voluntary, not required. The state’s collective bargaining agreements may include both permissive and mandatory subjects.

## **Employee Grievances**

Collective bargaining agreements usually include procedures that allow employees to file grievances. Typically, a grievance is simply an allegation made by an employee or a union that the employer has violated one or more articles of the labor contract. Most of the state’s contracts call for unresolved grievances to be reviewed at a number of different progressively higher levels or steps. If still unresolved at the end of this process, the union usually has the option of taking the grievance to arbitration for final resolution.

## **Trend Toward Collaborative Labor Relations**

The trend in Oregon is away from the traditional adversarial union/management relationship to a more collaborative, interest-based approach. The idea is that by focusing on the basic interests of both public employees and the state, solutions acceptable to both labor and management can more often be achieved, and labor strife minimized through use of a collaborative bargaining model. Consistent with the trend, PECBA includes a legislative policy statement which encourages the development of “...harmonious and cooperative relationships between government and its employees” (ORS 243.656).

## **Agency Considerations**

While not all state agencies have employees covered by collective bargaining agreements (generally called “represented” employees), most do. In fact, many agencies have more than one bargaining unit of employees. A “bargaining unit” is a specific group of employees represented by a labor organization for collective bargaining with their employer. This means that your agency may have some employees covered by one labor contract, other employees covered by



# State Management Handbook

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another labor contract, and yet other employees unrepresented for purposes of collective bargaining (and thus not subject to a labor contract at all). It is essential that your agency honor the terms of any applicable collective bargaining agreement. Failure to do so may result in a contract grievance, arbitration, or statutory unfair labor practice charge.

Most of the contract administration process initially takes place at the agency level, including the initial processing of contract grievances.

**Contact for Information:** Your agency's HR office, labor relations specialist, or an authorized representative from your agency may contact your assigned Assistant Attorney General.

## **Role of the DAS HRSD Labor Relations Unit**

DAS is generally required by ORS 243.696 to represent all state agencies which have bargaining units in collective bargaining negotiations (except for the Department of Higher Education and the Judicial Department). The Labor Relations Unit (LRU) of DAS HRSD carries out this function and oversees the administration of the contracts that it negotiates. Each agency is assigned an LRU Labor Relations Manager for purposes of contract negotiations and administration.

## **Collective Bargaining Process**

Most of the state's collective bargaining agreements are renegotiated every two years, generally during the same time that the Legislature meets. The renegotiation process is called "successor" bargaining. The state is generally represented at these negotiations by a "management team" composed of representatives from agencies covered by the bargaining unit in question and an LRU Labor Relations Manager. Mediation is often used as part of the collective bargaining process, generally only after 150 days of bargaining in the context of successor negotiations.

Sometimes issues requiring contract negotiations arise during the period covered by an existing labor contract. Negotiations regarding such issues are generally called "mid-term" or "expedited" negotiations. PECBA specifies different rules for these interim negotiations than for successor bargaining. Again, the LRU represents state agencies at such negotiations.

When important mandatory subjects of bargaining cannot be resolved through negotiations or mediation, strikes or binding interest arbitration (for strike-prohibited bargaining units) may occur. Should your agency face either of these events, your LRU Labor Relations Manager will be working closely with your agency to coordinate strike management or to provide representation in connection with the interest arbitration.

## **Contract Administration**

In connection with its contract administration duties, LRU provides advice to agencies regarding discipline of represented employees and the interpretation and application of various contract articles. LRU usually acts as the third step of the contract grievance procedure and generally represents agencies at grievance arbitration hearings that involve issues other than the discharge of represented employees. The Department of Justice generally represents state agencies at

# State Management Handbook

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arbitration hearings arising out of such discharges. LRU also provides assistance to state agencies in connection with bargaining unit exclusions, changes in FLSA status, trial service extensions, and required contracting-out notices. Finally, LRU also offers training to state agencies on all aspects of labor relations.

**Contact for Information:** DAS HRSD Labor Relations Unit, 503-378-3141.

**Relevant Materials Available:** LRU newsletter, Management Insight:  
[oregon.gov/DAS/HR/publications.shtml](http://oregon.gov/DAS/HR/publications.shtml).

## Employee Benefits

### Public Employees' Benefit Board

The Public Employees' Benefit Board (PEBB) designs, contracts for and administers state employee benefit plans. PEBB strives to provide high-quality benefits at a cost affordable to both employees and the state.

PEBB was formed in 1998 by merging two predecessor boards – the Bargaining Unit Benefits Board and the State Employees Benefit Board. The current 10-member board comprises:

- The DAS director or designee (currently the administrator of the State Services Division)
- The director or designee of the Office of Oregon Health Policy and Research
- Two management representatives from other areas of state government
- Two members from the largest public employee union
- One member from the second largest public employee union
- One member from the group of representable employees not represented by the largest or second
- Two non-voting members of the legislative assembly.

The board's vision, mission and policies shape the design of plans and operation of the program.

The state provides a contribution toward the premium for medical, dental and basic life insurance. The contribution is considered part of employees' total compensation. PEBB plays no role in determining the contribution amount.

In addition to medical, dental and basic life insurance plans, PEBB offers the following:

- Optional life and disability insurance
- Long-term care insurance
- Health care and dependent care flexible spending accounts.

# State Management Handbook

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New employees may enroll for their choice of benefits within 60 days from the date they are hired. They must enroll for medical, dental, and the basic \$5,000 life insurance coverage, except employees may opt out of medical coverage if they have other group medical coverage. Employees may enroll eligible dependents in plans for which they qualify.

Employees can change their benefit selections during PEBB's annual open enrollment, which usually occurs in the fall. They can also make benefit changes during the year as the result of a qualified status change. Examples include marriage, or birth of a child.

The PEBB customer service staff is available Monday through Friday, 8 a.m. to 5 p.m. Benefit analysts provide information and assistance to state employees and their enrolled family members.

**Contact for Information:** PEBB at 503-373-1102 in Salem, or 800-788-0520 statewide.

**Web site for Additional Information:** [oregon.gov/DAS/PEBB/index.shtml](http://oregon.gov/DAS/PEBB/index.shtml),  
or e-mail: [inquiries.pebb@state.or.us](mailto:inquiries.pebb@state.or.us).

## Public Employees' Retirement Board

The Public Employees' Retirement Board (PERS) administers an integrated program of death, disability and retirement benefits as part of eligible public employee's overall compensation package.

All state employees are covered under PERS; either under the Chapter 238 program if they became members before August 29, 2003, or the Oregon Public Service Retirement Program (OPSRP) for membership after that date. Both groups also participate in the Individual Account Program (IAP). New state employees must be employed in a qualified position for six months before they are enrolled in any PERS program. Eligible employees cannot choose whether to participate in PERS, except for a few special cases, such as with elected or appointed officials.

The PERS Chapter 238 and OPSRP pension programs receive funds from employer contributions and investment income. The IAP is funded by a 6 percent contribution from the employee's salary (either withheld from employee paychecks or paid by employers).

Each year, all members receive an annual statement which details their PERS history as well as money that has been credited to their accounts.

All PERS records fall under the guidelines found in the Oregon Public Records Law.

**Contact for Information:** PERS at 503-598-7377.

**Web site for Additional Information:** [oregon.gov/PERS/](http://oregon.gov/PERS/).

## II. The Budget Process

### Overview

Budgeting is an essential process in every large organization, public and private. It is especially important to the state. The budgeting process brings all the state's branches and interested citizens together in a public forum to deal with state policy and planning. Budgeting is the wise allocation of limited state resources. Goals include producing a balanced budget and controlling state spending. But, the main goal of state budgeting is to make good policy decisions and convert them, economically and effectively, into needed results.

### Benchmarks

The Oregon Benchmarks are important to the budget development process. The Oregon Progress Board has developed the Oregon Benchmarks to track how Oregon is doing in achieving the goals of "Oregon Shines." They range from economic measures such as per capita income, to social measures like infant mortality, to environmental measures like water quality. The Progress Board is required to report to the Legislature every two years on progress toward achieving the goals.

**Contact for Information:** Progress Board at 503-378-3201.

**Web site for Additional Information:** [oregon.gov/DAS/OPB/index.shtml](http://oregon.gov/DAS/OPB/index.shtml).

### Budget Cycles

- Agency Request Budget
- Governor's Recommended Budget
- Legislatively Adopted Budget.

Agencies begin budget preparation for the following biennium in the early months of even-numbered years and submit agency request budgets to DAS Budget and Management Division (BAM) in August or September. The Governor reviews these requests and compiles a Governor's recommended budget for submission to the Legislature, which convenes in early January of odd-numbered years. Legislative review of the budget concludes with approval of the legislatively adopted budget.

### Agencies Execute the Approved Budget over the Biennium

Changes in the legislatively adopted budget may be made in the interim by:

- The Joint Legislative Emergency Board
- Special legislative sessions.

Limited changes may be approved administratively by DAS.

# State Management Handbook

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## Funding Sources

The state uses money from four sources to pay for services. The sources are grouped as General Fund, Other Funds, Lottery Funds, and Federal Funds. The following is a brief discussion of each source. (Note: Property taxes are not a source that funds the state budget. There is no state property tax. Property taxes are local. They are the main source of funding for cities, counties and some special districts.)

### General Fund

The General Fund is the money in the budget that the Legislature can apply anywhere it is needed. It comes largely from both corporate and personal income taxes. The rest comes from the insurance premium tax, cigarette tax, liquor tax, other minor sources, and General Fund investment earnings.

### Other Funds

Other Funds are mostly moneys dedicated to certain purposes. They include some taxes, chiefly those related to highway use, employment, and forests. They include state licensing fees. Other Funds also include the state's business-like incomes. Examples include tuition and other fees for services, inmate workforce products, and many funds related to loans or bonds.

### Federal Funds

The federal government limits the state's choices about where and how Federal Funds may be used. Federal funding comes with conditions, such as requiring the state to keep certain service levels or to provide matching funds.

### Lottery Funds

It is stated in the Oregon Constitution that 18 percent of Lottery proceeds go to the Education Stability Fund and 15 percent of the proceeds are to fund parks, and salmon and restoration activities (by voter mandate). The remaining proceeds are designated for education and economic development with specific recipients being determined by the Legislature.

## Steps in Oregon's Budget Process

- Budget developed by the agency (January through September, even-numbered years)
- Budget analyzed by DAS BAM (August through November, even-numbered years)
- Review and decision by Governor (October through November, even-numbered years)
- Governor's recommended budget produced (December, even-numbered years)
- BAM prepares and files appropriations bills with the Legislature (December, even-numbered years)
- Legislature reviews and adopts budget (January through June, odd-numbered years)

# State Management Handbook

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- Agency presents Governor's recommended budget
- Joint Committee on Ways and Means acts and full Legislature approves
- Legislatively adopted budget produced
- Budget execution (July, odd-numbered year through June 30 of next odd-numbered year)
- Funds are allotted
- Agencies keep track of expenditures
- Interim adjustments.

## **Automated Budget Systems**

DAS BAM Statewide Audit and Budget Reporting Section (SABRS) manages and maintains the following automated systems: the Oregon Budget Information Tracking System and the statewide Position Information Control System. The section also oversees the statewide expenditure allotment system and position reallocation process.

### **Oregon Budget Information Tracking System**

The Oregon Budget Information Tracking System (ORBITS) is the central repository of data for the preparation of the Governor's printed budget. All state agencies included in the budgeting process have direct computer access to the system. The agencies input the data into ORBITS, and then SABRS audits the information and assists the agencies to assure compliance with the Governor's instructions.

The information in ORBITS includes:

- Prior biennium actual expenditures
- Legislatively adopted budget for the prior and current biennium
- Current biennium estimates
- Agency requested budget
- Governor's printed budget
- Legislatively Adopted Budget.

### **Position Information Control System**

The Position Information Control System (PICS) contains two primary modules: budget preparation and legislatively approved. The budget preparation module is used to request and define positions for budget building. The PICS system interfaces with ORBITS to automatically provide most of the Personal Services expenditures. The legislatively approved file is the control file of all state positions approved by the Legislature, Emergency Board, or through the reallocation process.

# State Management Handbook

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## **Statewide Expenditure Allotment System**

(Part of the Statewide Financial Management Applications)

The statewide expenditure allotment system is used by state agencies to create a spending plan for the current biennium. The process works as follows:

- Agencies send plans to the allotment analyst in SABRS that allocates their appropriations into expenditures over the eight quarters of the current biennium.
- The allotment analyst verifies that the plan is valid and then the budget analyst approves the plan.
- The allotment analyst then “releases” the plan so the agency can make expenditures.

## **Position Reallocation Process**

Oregon statute allows agencies to reallocate positions as long as the changes do not create a future budget impact. This is carried out using the reallocation package process as follows:

- SABR Section and BAM budget analysts review and verify the finance plan.
- If approved, SABR Section staff key the changes to the legislatively approved PICS file.

**Contact for Information:** Your agency’s SABR Coordinator, BAM SABR Section, 503-378-5442.

## **III. Public Procurement**

### **Purchasing**

#### **Role of State Services Division, State Procurement Office**

DAS State Services Division, State Procurement Office (DAS SPO), helps state agencies accomplish their respective missions by providing expert value-added services. DAS SPO provides convenient and cost-effective supplier support, consultation, solicitation and contract development and review, training, and certification to improve in-house procurement and contracting operations. DAS SPO works with agencies to develop effective buying strategies to help them succeed while meeting the requirements of rules and statutes.

#### **Procurement Authority**

An agency's authority to buy comes either from its own statutory authority, from a written DAS SPO delegation of authority, or by DAS SPO administrative rule. DAS SPO has delegated procurement authority at certain dollar thresholds to agency heads and Designated Procurement Officers. Before spending state money, a written document setting out agency authority must be on file. Agencies may be permitted to sub-delegate procurement authority granted by DAS SPO, but the responsibility for meeting the rules remains with the employee to whom authority was first granted. Authority and accountability for procurements is delegated to individuals based on the knowledge, skills and abilities of staff assigned to such duties.

#### **Dollar Thresholds**

When spending state money, employees of state agencies subject to DAS SPO authority must follow the statutes and administrative rules that govern public procurement (Oregon Revised Statutes (ORS) 279A, B and C and Oregon Administrative Rules (OAR), chapter 125). In general, agencies must first purchase from statewide price agreements. If an item or service is not available through a price agreement, agencies may buy items or enter into contracts without competitive solicitation, if the value over the life of the project is less than \$5,000. Contracts valued between \$5,000 and \$150,000 must be competitively solicited. Agencies have the authority through OAR to conduct intermediate procurements for these products and services and must advertise them using DAS SPO's Oregon Procurement Information Network (ORPIN). Contracts with a value exceeding \$75,000 must receive legal sufficiency approval from the Department of Justice. Notice of all contracts with a value exceeding \$5,000 must be provided to the Office of the Governor's Advocate for Minority, Women and Emerging Small Business. Agencies must submit a Procurement Request to DAS SPO for personal services, trade services and commodities that exceed \$150,000 and construction contracts that exceed \$100,000.

Below is the process that needs to be followed before going to the marketplace when a competitive process is not required.



# State Management Handbook

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## Price Agreements

All state agencies are required to purchase needed goods and services from the DAS contracted price agreements. Use of the price agreements is meant to reduce cost to the state and ensure the quality of the product or service under contract. Checking ORPIN for contracted goods and services is the first step in acquisition of products and services.

Price agreements provide supplies or services used by agencies on a recurring basis. Some price agreements feature online ordering capabilities. An agency may purchase services or supplies from a DAS SPO price agreement or an agency-specific agreement executed on the agency's behalf, without further competition. Most commonly used products and services are found on DAS SPO price agreements. By aggregating state and political subdivision buying, price agreements save money. Information about DAS SPO price agreements is available on ORPIN.

## Small Purchase Order Transaction System

The Small Purchase Order Transaction Program (SPOTS) is an excellent way to make small purchases by using a state-issued purchasing card. Use of the card saves time and effort in buying, accounting, and processing payments. The credit card can only be used for state purchases. You may not make personal purchases even if you plan to pay the state back.

## Personal Liability

Under ORS 294.100, a public employee may be liable for improperly spending state money. DAS SPO can help identify pitfalls. Their guidance can reduce risk of personal liability.

## Contract Types

Five basic contracts are commonly used to acquire products and services:

- **Trade Services** – Usually industry standard, easily definable skills associated with a trade.
- **Goods** – Consumable products, equipment, and materials; these are often found on price agreements established by DAS SPO.
- **Personal Services** – Requires specialized skills, knowledge and professional judgment.
- **Public Improvements** – Projects for construction, reconstruction, or renovation on state-owned real property.
- **Information Technology** – Projects that require hardware, software and associated services; often uses complex Best Value Procurement methods.

## Source Selection

Various methods of source selection are used to acquire items or services:

- **Request for Quote** – Informal process used to get pricing information.

# State Management Handbook

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- **Invitation to Bid (ITB)** – Formal advertised solicitation awarded to the lowest responsible bidder.
- **Request for Proposal (RFP)** – Advertised formal or informal solicitation awarded on evaluation factors besides cost. Includes negotiated Best Value contracts for information technology projects.
- **Emergency Procurement** – Used when a circumstance could not reasonably be foreseen and creates a substantial risk of loss, damage, interruption of services, or threat to public health or safety. When an emergency takes place, the chief executive or another duly authorized person must prepare a written declaration. An agency must keep a written record of the competition.
- **Sole Source** – Used when there is only one source or provider for the needed item or service.
- **Exempt Procurements** – Products and services from listed Qualified Rehabilitation Facilities (QRF) are exempt by law from the normal competitive process.
- **Alternative Procurements** – An exempted process used when determined that competition will not be harmed and the state will realize substantial savings. The DAS Chief Procurement Officer must approve all alternative procurements in advance.

## Qualified Rehabilitation Facilities

Under ORS 279.835-855, contracts for products and services provided by Qualified Rehabilitation Facilities (QRFs) are exempt from competitive solicitation. State agencies are required to procure listed goods and services from registered QRFs if the goods and services meet the agency's specifications and are available in a timely manner. Refer to OAR 125, Division 055 to review particular and updated information on QRF usage.

## Intergovernmental, Interstate and Interagency Agreements

ORS 279A.200 allows agencies to enter into contracts without competitive bidding when it is with another state agency, public agency, the federal government or other state governments, and even other nations. The Attorney General's office must be consulted to enter into agreements with the federal government or other nations to take advantage of the exemption process. This process is often used when two or more government agencies or entities are working on a project together. Products and services may be exchanged through this process including cooperative procurement agreements.

## Oregon Procurement Information Network (ORPIN)

Oregon Procurement Information Network (ORPIN) is Oregon's electronic procurement system. ORPIN is an off-the-shelf software that has been customized. It is an Internet-based, online system utilizing browser-based architecture. Both buyers and suppliers have access to state and local government bidding opportunities 24 hours a day, seven days a week. ORPIN replaced the Vendor Information Program (VIP) in November 2004. Its online features include:

- Password protected
- Encrypted security for online bids

# State Management Handbook

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- Customizable permissions and authorities for agency users
- Ability to track and monitor purchase requests, solicitations (bids), and awards status
- One-time entry of data as transactions pass through the system
- Easy access to boilerplate clauses from an agency-customized library
- Agency customization with unique numbering systems and agency logos
- Online posting of all opportunities over \$5,000
- ORS 190 intergovernmental agreement reporting
- Bid and award information
- Searchable online contract library.

**Contact for Information:** Your agency's ORPIN coordinator at: [procurement.oregon.gov/DAS/SSD/SPO/doc/oaclist.xls](http://procurement.oregon.gov/DAS/SSD/SPO/doc/oaclist.xls), or the ORPIN support line at 503-378-4642.

**Web site for Additional Information:** [procurement.oregon.gov/DAS/SSD/SPO/eprocurement.shtml](http://procurement.oregon.gov/DAS/SSD/SPO/eprocurement.shtml).

## Surplus Property

### State Surplus Property

Surplus provides a central repository for the collection, reutilization and/or public sale of excess and surplus property and vehicles for all state agencies subject to ORS 279 (A.250-290) and local municipalities based upon the authority granted in ORS 190. This does not include the sale or disposal of real property assets.

**Purchasing Surplus:** state agencies should purchase items that meet their needs from State Surplus whenever possible. Reutilization of surplus property saves dollars and is part of the sustainable strategy to recycle and reutilize property with remaining value.

**Property Disposition:** Agencies that have excess state owned personal property are required to obtain, complete and sign a Property Disposition Request (PDR), which identifies the property to be removed from state service. PDRs are then sent to the Property Distribution Center (PDC), in Salem, where the state screener schedules the property for pickup or delivery to the PDC.

**E-waste Program:** Agencies accessing outdated and/or obsolete electronic waste (E-waste) shall dispose of E-waste through the PDC. E-waste comprised of personal computers, monitors, printers and peripheral equipment shall be disposed of through the E-waste program or through an authorized product take-back program established under a state price agreement by the State Procurement Office under procedures established by the PDC. Utilizing the PDC or an authorized product take back program ensures proper disposal or recycling of obsolete equipment, thus reducing the expense and liability to the originating agency.

# State Management Handbook

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## Federal Surplus Property

This program is designed to match federal property to agencies participating in the DAS Surplus Property Program, many times at a fraction of original cost.

**Federal Donation Program:** Property is identified by a DAS Surplus Property screener who determines an actual or foreseen need of agencies participating in the Surplus Property Program. The screener will “freeze” said property, and if allocated, arranges for the transportation of items to the PDC in Salem. At that time, the Surplus Property Program becomes the custodian of the property, and makes it available to agencies for a nominal service charge.

**Fixed Price Vehicle Sales:** This program serves to match a qualified agency’s vehicle and equipment needs to federal vehicles that are available for direct sale. If an agency expresses a need, the federal screener seeks vehicles that match the requesting agency’s needs, and gives the agency options for vehicles that are available for purchase through the federal government. If an agency agrees, the vehicle is purchased by the DAS Surplus Property Program and then sold to the requesting agency for a nominal service charge.

**Excess Property Program:** When federal agencies surplus excess items, they contact Surplus Property and make arrangements to transport items to the PDC in Salem. After an approximate 21 day waiting period during which another federal agency may claim the property, guardianship transfers to State Surplus and the property may be sold to state agencies or other qualified entities including the general public.

**Law Enforcement Support Office (LESO):** Oregon’s LESO office provides state and local law enforcement agencies (LEA) an opportunity to acquire both demilitarized property from the Department of Defense as well as take advantage of federal contracts for items commonly utilized by these organizations. Currently an annual service fee applies to LEAs who elect to participate in the Program. LESO is also known as the 1033/1122 program.

## Statewide Fleet Administration

DAS Statewide Fleet Administration controls and regulates the acquisition, operation, use, maintenance, disposal of and access to motor vehicles used for state agency business. Pursuant to ORS 283.310-395.

DAS Fleet owns and operates approximately 4,000 light duty vehicles. These are available through three motor pools for use statewide. Vehicles may be rented on either a monthly or daily basis. Specially equipped vehicles are available for persons with disabilities. State vehicles are used for traveling on official state business only. A state vehicle may not be used for the private financial benefit of employees.

Motor pool offices are located at:

Salem 503-378-4377

Portland 503-240-5671

Eugene 541-686-7706

Motor pool passenger vehicles include:

Pickups, sedans, cargo & step vans

Sport utility vehicles

8-passenger and 12-passenger

# State Management Handbook

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Authorization from an agency director or delegate in the form of a valid motor pool checkout card and a valid Oregon driver's license must be presented to check out a motor pool vehicle on a daily basis.

Authorization for permanently assigned vehicle must be obtained through an agency director or delegate and by the use of the Motor Pool Request for Permanent Assignment form. Both forms are available online at: [oregon.gov/DAS/SSD/FLEET/forms.html](http://oregon.gov/DAS/SSD/FLEET/forms.html).

All authorized drivers must obey state driving laws. Any fines or violations of state driving laws are the responsibility of the driver/employee. Vehicle use operating complaints and traffic violations are registered with DAS Risk Management and the responsible agencies are required to respond to all complaints. State agencies are responsible for costs resulting from violation of vehicle use policies and setting and enforcing disciplinary policies.

**Contact for information:** Any motor pool; Fleet Administration, 503-378-2307.

**Web site for Additional Information:** [oregon.gov/DAS/SSD/FLEET/index.shtml](http://oregon.gov/DAS/SSD/FLEET/index.shtml).

## Vehicle Use

DAS Risk Management writes rules for access to vehicles and their use. Risk Management also manages state self-insurance of state-owned vehicles and state drivers. Under ORS 278, Risk Management oversees vehicle risk control, driving complaints, liability claims and lawsuits.

OAR 125-155-020 states the basic state motor vehicle policy: "If you have a valid driver's license, and you are acting at the direction and control of a state agency, you may drive in any way or for any purpose that is lawful and necessary to carry out the official business of your agency. Whenever you do otherwise, you are personally liable..."

When you drive on state business, you are expected to drive safely, lawfully, and courteously. The following are highlights of some of the laws that apply.

### State-owned Vehicle

- Personal use of state-owned vehicles for any purpose is strictly prohibited.
- State-owned vehicles are covered by the state's self-insurance for damage to the vehicle (property coverage) or harm done to others (tort liability coverage).
- Only state employees, elected officials, official volunteers and legal agents may drive state vehicles and be eligible for state coverage.

### Privately-Owned Vehicle on State Business

- To use your own vehicle for state business, complete the form "use of Personal Vehicle on State Business" and obtain your agency management approval; check your agency driving policy and procedures ([oregon.gov/DAS/SSD/Risk/docs/vehform1.doc](http://oregon.gov/DAS/SSD/Risk/docs/vehform1.doc)).
- You must comply with the state's Vehicle Use and Access rules.
- You must carry your own insurance as required by state law.

# State Management Handbook

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- The state cannot pay for any damage to your vehicle (no collision or comprehensive coverage).
- Your own insurance provides first coverage if someone is injured or if you are in an accident.

## **Rental Vehicle:**

- The State Procurement Office maintains a price agreement for rental cars that are available to state travelers when state vehicles are unavailable.
- Most airports that employees travel to have the rental vehicles available from the state price agreement. Travelers should reserve rental vehicles in advance from the price agreement supplier.
- Rental contracts and rates under the terms of the price agreement include insurance coverages negotiated by the State Procurement Office. A traveler using a rental vehicle from the price agreement does not need to purchase additional insurance coverage.
- If an employee needs a rental vehicle in a location where state price agreement rentals are not available, the employee must purchase Loss, Damage Waiver (LDW) coverage if it is available. Ask for this coverage. Do not purchase liability coverage.
- If the rental vehicle is used for any personal purpose, state coverage is limited. An employee must use their own personal auto insurance or purchase the policy available from the rental company.

**Contact for Information:** DAS Risk 503-373-7475, for Vehicle Use and Access rules or state self-insurance coverage; DAS SPO for Rental Price Agreement; DAS Fleet for availability and maintenance of state owned vehicles.

**Web site for Additional Information and Relevant Materials:** Vehicle Incident Prevention Program (VIPP) Toolkit, [oregon.gov/DAS/SSD/Risk/RiskToolkits.shtml](http://oregon.gov/DAS/SSD/Risk/RiskToolkits.shtml).

**Relevant Statutes and Rules:** OAR 125-155.

## **Risk Management**

### **Role of DAS Risk Management**

DAS Risk Management exists to assist managers to avoid unnecessary risk. Risk Management serves the following purposes:

- Adjust and pay property and tort liability claims
- Procure commercial insurance, as needed, to protect state assets
- Manage the state Self-insurance Fund and administer the state Workers' Compensation program
- Allocate losses and assess risk charges to agencies
- Advise agency executives and managers on risk-control programs, loss-prevention strategies, and risk transfer techniques.

# State Management Handbook

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## **How are You Protected While Doing State Business?**

The state funds the cost on its own for:

- Losses to state-owned property
- Losses due to tort claims and lawsuits
- Employee dishonesty and other bonds
- Workers' Compensation insurance.

Each state agency pays an assessment into the state Self-insurance Fund. The amount of the assessment relates to the cost of each agency's own losses. Your actions to prevent losses or limit the cost of losses are an important part of your job.

## **State Property Coverage**

If property for which you are responsible is lost or damaged, the state property Self-insurance Fund will restore the loss. Risk Management adjusts the claim and pays for the loss under the terms and conditions of the state self-insurance policy.

This coverage includes state-owned vehicles, buildings, equipment, and furnishings.

This coverage does not include employees' private vehicles (even if used on state business) or personal property (unless it is in the state's possession and control and the agency has agreed in advance in writing to cover a loss or it is covered under a specific statute). Examples of personal property not covered include damaged clothing, lost or stolen purses or wallets, and employees' personal computers.

Those who encounter loss or damage to state property need to file a claim with Risk Management no later than 90 days after the loss.

## **Tort Liability Coverage**

Others may allege you are liable for harm done to them while you are performing state business. This harm, or tort, may result from something you have done or something you have failed to do. It forms the legal basis for a suit or a claim.

The following should be kept in mind:

- Liability covers damage to another's property, bodily injury, discrimination, violation of civil rights, or medical malpractice, among others.
- Risk Management will investigate and pay for your defense by the Department of Justice.
- After investigation, individual employees' names may be removed from tort suits covered by tort coverage.
- If the alleged harm is substantiated, Risk Management will pay the loss or settlement.
- Claims or "tort notices" by a third party must be filed within 180 days of harm.

# State Management Handbook

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- If you receive written notice of a claim, either in person or by mail, immediately fax it with your name and phone number to Risk Management at 503-373-7337.
- DO NOT file a claim on behalf of someone else; have them contact Risk Management directly.
- DO NOT make any payment, assume any obligation, or incur any expense related to a claim without prior written approval from Risk Management.

## Employee Dishonesty Coverage

This coverage restores state assets that were stolen or misappropriated by a state employee. Managers need to be aware that theft or fraud by an employee must be reported to DAS Risk Management, Department of Justice, and Secretary of State as soon as you are aware of the loss, but no later than 90 days after you become aware of the potential theft or fraud.

**Contact for Information:** DAS Risk Management, 503-123-4567.

**Web site for Additional Information:** [oregon.gov/DAS/SSD/Risk/](http://oregon.gov/DAS/SSD/Risk/).

For claim forms: [oregon.gov/DAS/SSD/Risk/ClaimsManagement.shtml](http://oregon.gov/DAS/SSD/Risk/ClaimsManagement.shtml).

**Relevant Materials Available:** State Property, Tort Liability, Employee Dishonesty overages, and Self-Insurance Policy Handbook, [oregon.gov/DAS/SSD/Risk/PolicyHandbook.shtml](http://oregon.gov/DAS/SSD/Risk/PolicyHandbook.shtml).

## Workers' Compensation Coverage

The following apply to dealing with injuries on the job:

- A claim for workers' compensation should be filed with SAIF (State Accident Insurance Fund Corporation).
- State law mandates workers' compensation benefits (see ORS 656).
- SAIF will process, investigate, and manage or defend claims for benefits.
- Oregon Occupational Health and Safety Administration (OR-OSHA) requires you to investigate incidents and correct hazards.
- It is the state's policy that you place your injured employees, who are expected to recover and return to their job, in a temporary, modified assignment within three days of their date of injury.
- The injured employee must complete a Form 801; this is available from your agency's safety manager or workers' compensation manager.
- SAIF must receive the Form 801 within five days of the date you learn an employee has been injured on the job.

## What are Your Clearest Risks of Personal Liability?

- Payment or transfer of state funds, property, or assets in violation of the law.
- Ethics violation charge (ORS 244).
- Criminal charge.



# State Management Handbook

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- Motor vehicle citations.
- Professional licensure sanctions, complaints, or discipline.
- Negligent or willful damage or loss to state assets.
- Physical damage to your private vehicle if used on state business.
- Signing contracts agreeing to more than tort limits with broad hold harmless clauses.
- The state covers your work-caused liability, but will not defend you or pay your damages if:
  - You are working outside the course and scope of your duties.
  - Your act is intentional or is the result of malfeasance, gross recklessness, or willful neglect.
  - You fail to cooperate or you act to prejudice the state's defense.

## What do You Need to do to Get Coverage?

Except for the acquisition of new buildings, coverage is automatic. Check with your agency's safety manager or risk coordinator. They will explain your agency's specific policies and practices. You must report losses timely and cooperate in the investigation and defense of the claim.

## What Does this Mean for You?

All agency managers and supervisors are expected to identify and anticipate risks related to their programs, operations, and activities. The goal is to avoid unnecessary risks. Nevertheless, much of the state's work has risks that must be accepted. In those cases, it is management's job to choose, pay for, and implement steps to prevent or reduce losses and ultimately pay for all costs of loss.

**Contact for Information:** DAS Risk Management, 503-373- RISK.

**Web site for Additional Information:** [oregon.gov/DAS/SSD/Risk/](http://oregon.gov/DAS/SSD/Risk/).

**Relevant Materials Available:** RisKeyNotes, DAS Risk Management's newsletter (watch your inbox).

## Publishing and Distribution

Publishing and Distribution is the combination of two independent programs previously known as State Printing and State Mail Operations. Located at the state Print Plant in Salem, Publishing and Distribution provides integrated document publishing and distribution services to state agencies and political subdivisions through in-plant production and contracts with private sector providers.

In-plant capabilities include graphic design, traditional ink on paper printing, digital laser printing, negotiable document MICR printing, digital color copying, Web page publishing, and CD-ROM publishing.

# State Management Handbook

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Mail processing services include document folding, inserting, metering, addressing and bar-coding, address list hygiene, pre-sorting, and interagency shuttle and delivery services.

To ensure efficiency and economy in state government, statutes direct Publishing and Distribution to control and manage state printing and mailing operations. This includes approving or disapproving acquisition of all state agencies' printing and mailing equipment and services.

**Contact for Information:** Publishing and Distribution, 503-378-3397.

**Web site for Additional Information and Online Print Orders:**

[oregon.gov/DAS/SSD/PD/index.shtml](http://oregon.gov/DAS/SSD/PD/index.shtml).

## Travel

### Regulation of Travel

Statutes direct DAS to regulate travel and vehicle use. Managers should contact their agency's travel coordinator for questions about travel. Below is a summary of where information about travel and vehicle use can be found.

DAS State Controller's Division (SCD) issues policies under ORS 292 that address the payment or reimbursement of travel expenses for executive service, management service, represented, and unrepresented employees. SCD is also responsible for regulating per diem and mileage rates. Chapter 40 of the Oregon Accounting Manual (OAM) contains state travel rules. See the DAS State Services Division for additional travel information on travel related risk management and motor pool policies and procedures.

**Contact for Information:** Your agency's travel coordinator; information about the current state-contracted travel agency, 503-378-4650.

**Web site for Additional Information:** [oregon.gov/DAS/SCD/travel.shtml](http://oregon.gov/DAS/SCD/travel.shtml).

## Accounting and Reporting

The state of Oregon is responsible for the prudent management of public resources. Both the Oregon Constitution and the ORS provide checks and balances to ensure the state achieves this goal.

Under the Constitution, the Legislature has the authority to create agencies and control budgets. The Constitution gives the Governor the authority to ensure that the state complies with laws and regulations. It also authorizes the Secretary of State to perform audit procedures at state agencies.

The ORS further provide for a system of checks and balances. Under ORS 293.265, agencies must submit all cash receipts to the state Treasurer who is responsible for the control of cash and the investment of state funds. ORS 291, 292, and 293 provide the DAS the authority to establish statewide policies and procedures. DAS designs these policies and procedures to enhance

# State Management Handbook

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accountability over state resources by ensuring that agencies comply with accounting and reporting requirements.

Each state agency is responsible for its own accounting process, including applicable internal controls, and for complying with state and federal requirements. The DAS State Controller's Division (SCD) establishes policies and procedures for agencies to follow and uses information from all agencies to comply with statewide reporting requirements.

**Contact for Information:** Manager, DAS Statewide Accounting and Reporting Services (SARS), 503-373-7277 ext. 253.

**Web site for Additional Information:** [oregon.gov/DAS/SCD/policies.shtml](http://oregon.gov/DAS/SCD/policies.shtml) (Oregon Accounting Manual).

**Relevant Materials Available:** The Oregon Accounting Manual (OAM) documents statewide policies and procedures established by DAS SCD.

## Statewide Systems

The DAS State Controller's Division (SCD) maintains an accounting system, a payroll system, and a data warehouse used by most state agencies. The accounting system is the Statewide Financial Management Application (SFMA), the payroll system is the Oregon State Payroll Application (OSPA), and the data warehouse is called the SCD Data Mart.

## Accounting System

SFMA is the state's central system application for accounting and purchasing. SFMA includes the Relational Statewide Accounting and Reporting System (R\*Stars), which provides accounting functionality and the Advanced Purchasing and Inventory System (ADPICS), which provides purchasing functionality.

R\*Stars is designed to satisfy the changing accounting needs of a diverse set of users in both large and small governmental organizations. The system provides a standardized approach to accounting events, strict financial controls, and efficient use of computer resources.

R\*Stars provides automated controls to ensure that expenditures and agency commitments stay within legislatively approved budget plans. A flexible financial structure that fosters effective fiscal policies and procedures and allows daily monitoring of expenditure activity is another provision of R\*Stars. The system prevents agencies from exceeding budgetary limits. R\*Stars allows agencies to monitor cash balances at the same level as the Treasury account. Agencies can use R\*Stars to limit these accounts further to help monitor cash balances and expenditures at a user-defined level, such as for specified programs, grants or projects. While agencies with their own accounts at Treasury are responsible for reconciling these accounts with R\*Stars, the SCD Statewide Financial Management Service (SFMS) section reconciles the general fund and lottery Treasury accounts that are shared by multiple agencies.

Information from SFMA is available on the SCD Data Mart.

# State Management Handbook

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**Contact for Information:** Your agency's business office; SCD SFMS, 503-373-1044, ext. 228.

**Web site for Additional Information:** [oregon.gov/DAS/SCD/index.shtml](http://oregon.gov/DAS/SCD/index.shtml).

**Relevant Materials Available:** SFMS Desk Manual, SFMS Data Entry Guide, R\*Stars Reference Manual, R\*Stars Report Guide, Profile Maintenance Guide, SFMS Calendar, R\*Stars Training Manual and ADPICS Training Manual.

## E-government

SCD also supports the Enterprise Information Strategy and Policy Division (EISPD) by providing central fiscal direction, service, coordination, policy development and training to state agencies on the use of payment solutions over the Internet. Initial online services began in November 2002.

**Contact for Information:** Your agency's business office; SCD, 503-378-3156 ext. 254.

**Web site for Additional Information:** [oregon.gov/DAS/SCD/SRS/index.shtml](http://oregon.gov/DAS/SCD/SRS/index.shtml).

**Relevant Materials Available:** Credit Card Guidelines, SecurePay Credit Card Transaction Overview, Payment Manager Access Security Process, and the Oregon Accounting Manual.

## Payroll Process

The Oregon State Payroll Services (OSPS) section, which is a part of the DAS State Controller's Division, manages the Oregon State Payroll Application (OSPA). In providing central payroll services to state agencies, OSPS manages and maintains OSPA and provides system and payroll user support and training. OSPS is responsible for ensuring that the system's pay and deduction codes, tables and calculation structures are programmed accurately to comply with the rules for federal and state tax withholding and reporting. They must uphold Fair Labor Standards, Oregon Bureau of Labor rules, DAS HRSD policies, PERS contributions, PEBB plan-year rules and meet the requirements of all collective bargaining agreements that are in force.

The state's payrolls are processed using an anticipatory payroll model. On Payroll Run 1, salaried employees are paid based on their forecasted work hours. Payroll Run 2 perfects the first run with the addition of actual time and attendance information. Hourly employees are paid twice a month based on actual hours worked.

Employee and position information, salary and fixed differential pay are interfaced into OSPA by the Position and Personnel Database (PPDB). Agencies use OSPA to enter time and attendance information, gross pay adjustments, voluntary and involuntary deduction information and set up direct deposit choices. Payroll accounting information is interfaced into the state's accounting system and payroll costs are collected automatically from most agencies.

Agencies select to manage time and attendance information by either using paper timesheets that are manually entered into the system or by use of the Online Daily Time, an employee-entered time and attendance module. A few agencies upload timesheet data from their own time and attendance utility.

# State Management Handbook

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OSPS processes daily batches of off-cycle payroll payments to assist agencies in ensuring compliance with state labor laws that require timely final payroll checks to those retiring or terminating from state service. Daily checks are also used for the issuance of salary advances, which are provided for in law and collective bargaining agreements.

OSPA sets the annual payroll calendar and stages and releases each payroll. Paychecks and direct deposit statements are printed and distributed to agencies from the DAS Publishing and Distribution section of the State Services Division. OSPS staff distributes payroll registers and other payroll reports directly following each payroll run. Timesheets are distributed after each Run 1 payroll.

OSPS transmits the electronic direct deposits, pays all vendors from deductions, makes federal and state tax deposits, files all payroll tax returns and issues W-2 statements at year end.

**Contact for Information:** Your agency's payroll office (payroll or your own paycheck); SCD OSPS Manager, 503-378-6777 ext. 230.

**Web site for Additional Information:** [oregon.gov/DAS/SCD/OSPS/about\\_us.shtml](http://oregon.gov/DAS/SCD/OSPS/about_us.shtml).

**Relevant Materials Available:** OSPS manual (provides system information and procedural assistance).

## State Audits

Article VI, Section 2, of the Oregon Constitution establishes the Secretary of State as the constitutional auditor of public accounts. In 1929, the Legislature established the Division of Audits to carry out the duties of the Secretary of State. The authority for and responsibilities of the Audits Division are found in ORS 297.010 through 297.230. The Audits Division is the only independent audit organization in the state with authority to audit the accounts and financial affairs of agencies in all three branches of state government and other organizations that receive state money.

## Types of Audits

Each year, the Audits Division performs several types of audits, the largest of which is the financial and compliance audit of the state's Comprehensive Annual Financial Report (CAFR). The CAFR is prepared by SCD using accounting information from all state agencies. This audit also complies with the federal Single Audit Act requiring an annual audit as a condition of eligibility for federal funds. Other types of audits include the following:

- Financial and compliance audits
- Performance audits
- Information technology audits
- Fraud investigations
- Examinations of internal control and compliance
- Special reviews, studies, and other investigations.

# State Management Handbook

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The Audits Division also administers the Oregon Municipal Audit Law. It receives and reviews annual audit reports of municipalities prepared by independent CPA firms.

## **Audit Process**

For all types of audits, the basic audit process consists of planning, fieldwork, and reporting.

- In the planning phase, the Audits Division defines the scope and objectives of the audit and determines the procedures or methodology to achieve the objectives. The division will contact agency management when an audit is expected to begin and send the agency director an engagement letter. A formal entrance conference will be held with management to further clarify the audit, introduce the audit team members, and make other arrangements regarding the conduct of the audit. Integral to the planning process, the auditor will obtain an understanding of the agency's processes, systems, and internal controls. A risk assessment will be made to determine the type and extent of auditing procedures to be followed.
- Fieldwork involves the actual procedures carried out by the auditor to achieve the objectives of the audit. The procedures vary depending on the type of audit. In all types of audits, the fieldwork is designed to provide sufficient, competent, and relevant evidence to provide a reasonable basis for the auditor's opinion, findings, and conclusions.
- In the reporting phase, the Audits Division prepares a written report setting forth the conclusions of each audit. The audit reports are addressed to the Governor and the agency director. All reports (except certain confidential information technology security audit reports) are public record and made available to members of the Legislative Assembly and all other interested parties.

## **Common Areas for Improvement**

Some of the more common problems found at agencies are:

- Inadequate systems and procedures to account for and report financial transactions
- Unawareness of and/or failure to follow legal requirements
- Insufficient staff and/or inadequate staff training to carry out agency objectives
- Inefficiencies identified in programs or activities
- Ineffective results from programs or activities
- Incomplete or ineffective management controls.

## **Audits Division Hot line**

The Audits Division operates the Government Waste Hot line, 800-336-8218 and the [fraud.oregon.gov](http://fraud.oregon.gov) as authorized by the Legislature in 1995 (ORS 177.010 through 177.180). It provides public employees and citizens an avenue for reporting waste, inefficiency, or abuse in state programs. The law provides confidentiality for any person making a report through the hot line. When an agency sustains a loss of public funds or property under circumstances involving public officials charged with the duty to account for the funds or property, the agency is required by ORS 297.120 to report the loss in writing to the Audits Division.

# State Management Handbook

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**Contact for Information:** Your agency's support section, Audits Division, 503-986-2255.

**Web site for Additional Information:** [www.sos.state.or.us/audits/index.html](http://www.sos.state.or.us/audits/index.html).

## Information Systems and Telecommunications Resources

Changes in technology and information systems equipment, software, and services have created new opportunities for state managers. What data we collect, how we communicate with our employees or our customers, and how we gain efficiencies in doing our jobs are outcomes of using the tools called "information systems."

Effective use of these tools requires careful planning, awareness of systems in place and under development, and the policies governing those systems. Also required is knowledge of what tools are available for use in reaching customers and employees.

This section of the handbook describes generally what information systems resources are available to state agencies, and the statewide policy that governs approval of agency information systems projects.

### What are Information Systems Resources?

Information systems resources include all present and future forms of hardware, software, and services for data processing, office automation, and network communications (voice, data, or video conferencing services) used to transmit, store, process or receive data.

Examples of information systems equipment include:

- Mainframe computer systems
- Mid-range and mini-computer systems, servers
- Personal computers
- Computer printers, plotters and other output devices
- Communication networks used to relay information among computers
- Call processing systems, interactive voice response units, and telephone switching systems.

Software includes that which might be purchased off-the-shelf (such as a word processing or database program). Alternatively, it may be a specially designed program to keep track of your specific information needs. Examples include a database program, a case tracking program, or an electronic spreadsheet program.

There are dollar threshold limits in place that help guide when approval is required before an agency makes investments in information resources equipment, software, or services. Services can be in two forms – personal services or support services. Examples of personal services could be a request to hire a programming consultant to write a software program or a certified project manager to lead an agency IT project. Examples of support services would be an annual maintenance contract for service on a computer or a subscription to an online computing service for information retrieval.

# State Management Handbook

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The statewide policy governing the acquisition process for state agency information systems resources includes dollar threshold limits, instructions and forms. Refer to the state IT policy Web page for the most current version of the Information Technology Investment Review/Approval policy: [oregon.gov/DAS/EISPD/ITIP/pol\\_index.shtml](http://oregon.gov/DAS/EISPD/ITIP/pol_index.shtml).

**Web site for Additional Information:** [oregon.gov/DAS/EISPD/index.shtml](http://oregon.gov/DAS/EISPD/index.shtml).

## Oregon's Information Systems History and Status

For more than a decade, the DAS Information Resources Management Division (IRMD) was the state of Oregon's information technology delivery, development and support sector. It served as both a technology resource-governance body to state agencies and a technology services delivery organization. Beginning in summer 2006, DAS implemented a reorganization project to separate IRMD's two distinct roles. The goal of the project was development of a successful IRMD business model, transfer of its service-related functions to other DAS divisions, and creation of a new division name and focus. The business model establishes the State Chief Information Officer (the administrator of IRMD) as an enterprise information technology (IT) strategic planning and policy leader.

The focus of the new division is strategic planning; establishing enterprise standards; establishing enterprise technology architecture; and establishing enterprise security standards. All transitions related to the reorganization will be complete by the end of the 2005-07 biennium. The new division name, effective September 1, 2006, is the Enterprise Information Strategy and Policy Division (EISPD).

Another factor that affects the landscape of information systems and technology in Oregon state government is the development of a consolidated state data center and network. Historically, the technology environment in Oregon state government has been agency-centered with DAS offering some central services. This environment had substantial duplication of effort and expense as multiple agencies serviced similar needs. In spring 2004, a project known as the Computing and Networking Infrastructure Consolidation (CNIC) initiative was launched. It combined the efforts of 12 state agencies – representing the majority of the state's computing power – to create a new environment to achieve economies of scale and other benefits. The CNIC project resulted in one consolidated data center for the state rather than 12 data centers and “server farms.” State agencies and local governments will be able to purchase computing and networking services from the new State Data Center. The State Data Center is a distinct division of DAS (led by a division administrator) and is not part of IRMD or the new EISPD.

The program and services information that follows is separated into two sections, EISPD and the State Data Center.

**Web site for Additional Information:** EISPD – [oregon.gov/DAS/EISPD/index.shtml](http://oregon.gov/DAS/EISPD/index.shtml); or the State Data Center – [oregon.gov/DAS/SDC/index.shtml](http://oregon.gov/DAS/SDC/index.shtml).



# State Management Handbook

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## Enterprise Information Strategy and Policy Division

### Enterprise Business Continuity Planning

Business Continuity Planning (BCP) is defined as “the process of developing advance arrangements and procedures that enable an organization to respond to an event in such a manner that critical business functions continue.” In short, how does the state keep doing business during a disaster? The goal of the BCP program is to ensure that in the event of a disruption in services, state government is stable, responsive and operational for all Oregonians. This will be achieved through the continued education, awareness, development, and testing of disaster preparedness and business continuity planning.

BCP program objectives: Prioritize statewide critical business functions; coordinate cross-dependencies and common services; provide framework and guidelines for agency BCP development; provide educational forums and BCP resources; and provide coordination and resources during an event or disruption which involves multiple agencies.

**Contact for Information:** Business Continuity Planning, 503-373-0872.

**Web site for Additional Information:** [oregon.gov/DAS/EISPD/BCP/index.shtml](http://oregon.gov/DAS/EISPD/BCP/index.shtml).

### Oregon E-government Program

Pursuant to Executive Orders 00-30 and 01-25 and ORS 291.038, DAS EISPD is charged with coordinating and facilitating the use of Internet-based information technology by public agencies to deliver information, services, and electronic access to citizens and businesses. Electronic government (e-government) is government’s use of new and existing technologies and interconnected applications, to extend access to and delivery of information and services to citizens, businesses and employees.

E-government represents a fundamental shift in the culture of government service and information delivery, leveraging the Internet to simplify government interactions and provide 24-hour access to citizens and business. It allows government officials, agencies, and policy makers the ability to respond with greater efficiency, accuracy, and immediacy to citizen needs. E-government provides greater accessibility to products and services, creating stronger relationships and strengthening trust in the government’s ability to respond to citizens and business. As the program matures, government services such as registering a vehicle or renewing a business or nursing license online will become commonplace and will occur without duplication of effort or knowledge of state government’s organizational structure.

The Oregon E-government Program has three primary outreaches:

- Internet – Oregon.gov Web portal and a content management system (TeamSite)
- E-commerce – offering state agency services and/or products online
- Statewide intranet – “GovNet” – a secure communications tool for state agencies using the TeamSite content management system.

# State Management Handbook

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**Contact for Information:** Oregon E-government Program, 503-378-2126.

**Web site for Additional Information:** [EgovHelp@das.state.or.us](mailto:EgovHelp@das.state.or.us); or [oregon.gov/DAS/EISPD/EGOV/index.shtml](http://oregon.gov/DAS/EISPD/EGOV/index.shtml).

## Enterprise Security Office

The Enterprise Security Office provides governance, oversight and guidance to state agencies to ensure a comprehensive, well-organized information security effort for Oregon state government. They are the central policy body for information security and work in concert with the security efforts of the State Data Center to effectively defend and secure the state's computing and networking infrastructure.

**Contact for Information:** Enterprise Security Office, 503-378-4896.

**Web site for Additional Information:** [oregon.gov/DAS/EISPD/ESO/index.shtml](http://oregon.gov/DAS/EISPD/ESO/index.shtml).

## Geospatial Enterprise Office

The Geospatial Enterprise Office (GEO) provides statewide leadership in promoting the use of Geospatial Information Systems (GIS) technology and ensures the availability of easily accessible, high-quality geographic information. GEO accomplishes this by coordinating GIS activities in the state, facilitating communication about GIS issues, and maintaining the Web site that hosts statewide geospatial data for the state of Oregon.

The GEO mission relies heavily on a collaborative effort between state, federal, and local governments to ensure the completeness and accuracy of shared data.

**Contact for Information:** Geospatial Enterprise Office, 503-373-6066.

**Web site for Additional Information:** [oregon.gov/DAS/EISPD/GEO/index.shtml](http://oregon.gov/DAS/EISPD/GEO/index.shtml).

## IT Investment and Planning

**IT Investment Policy** – Since the mid-1990s, DAS has had the responsibility for oversight of state agency information resources management (ORS 291.038). Project oversight is primarily performed via the use of independent third party QA contractors. These contractors evaluate project health and status and provide regular quality assurance status and improvement reports throughout the life of each major IT project. As of March 2006, IT Investment and Planning program was overseeing 23 projects with a total portfolio value exceeding \$250 million.

This program is also responsible for conducting strategic IT planning on behalf of the State CIO and CIO Council.

**Enterprise Planning and Policy** – IT Investment and Planning is also responsible for the development and promulgation of enterprise IT policy and standards within Oregon state government. Through research, planning, communication, and agency coordination, the office facilitates and codifies enterprise IT policy development and processes. This is accomplished by acting as a central repository and primary point of contact for enterprise IT information; providing the knowledge, infrastructure, communications links, processes and management

# State Management Handbook

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required to form and maintain a “Best Practices” IT enterprise; and supporting IT governance activities and procedures.

**Contact for Information:** IT Investment and Planning, 503-378-8366.

**Web site for Additional Information:** [oregon.gov/DAS/EISPD/CIO/qa\\_index.shtml](http://oregon.gov/DAS/EISPD/CIO/qa_index.shtml).

**Relevant Materials Available:** Enterprise IRM Strategy, [oregon.gov/DAS/EISPD/cioc\\_index.shtml#Enterprise IRM Strategy](http://oregon.gov/DAS/EISPD/cioc_index.shtml#Enterprise_IRM_Strategy).

## State Data Center

### Distributed Systems and Enterprise Systems

This area of State Data Center service delivery includes mainframe, Web hosting, shared or dedicated servers, database hosting, application server hosting and data storage. These systems are managed 24-hours, seven days a week.

The Distributed and Enterprise Systems teams are eager to begin serving new customers (state agencies and/or local governments) following migration and stabilization of the operations of the 12 state agencies participating in the data center and network consolidation project (CNIC). Information regarding service availability will be announced on the State Data Center Web site.

**Contact for Information:** State Data Center, 503-378-2176; or [sdc.info@state.or.us](mailto:sdc.info@state.or.us).

**Web site for Additional Information:** [oregon.gov/DAS/SDC/index.shtml](http://oregon.gov/DAS/SDC/index.shtml).

### Network Services

Pursuant to Executive Order 98-05 and ORS 291.037-038, DAS has overseen provisioning of the state of Oregon Enterprise Network, known as SOEN. SOEN provides a very high bandwidth wide-area network that connects state agencies to other state agencies, connects state offices to other state offices, and connects state agencies to the Internet. Network Services maintains capacity for sending and receiving data and provides a variety of wide-area network services including video conferencing. Services also include full-service video production (in-studio or field production); live video streaming productions; video editing; and video conferencing rooms with the ability to connect across Oregon or the United States.

<b>Contact for Information:</b>	Network-Internet	503-378-3627
	Video Conferencing	503-378-6382
	Video Production	503-378-2025
	Video Streaming	503-378-2025

**Web site for Additional Information:** [oregon.gov/DAS/SDC/network/pctv/rooms.shtml](http://oregon.gov/DAS/SDC/network/pctv/rooms.shtml).

### Voice Services

Voice Services manages the state telephone system service and associated contracts. This includes processing all requests for telephone equipment, telephone lines, and data lines and services for state agencies. State agencies order services by submitting a Telephone Service Order (TSO) available from the Web page listed below.

# State Management Handbook

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**Contact for Information:** Voice Services, 503-378-4949.

**Web site for Additional Information:** [oregon.gov/DAS/SDC/voice/index.shtml](http://oregon.gov/DAS/SDC/voice/index.shtml).

## Buildings and Property

DAS Facilities Division is responsible for the acquisition and maintenance of general office space used by other state agencies. Space can be acquired by building new facilities, purchasing or leasing existing buildings.

## Renting or Leasing Office Space

DAS Facilities Division must approve all leases and rental agreements for state office space.

When state-owned space is not available, DAS helps agencies find privately leased space. It negotiates all leases and rental agreements of office quarters.

DAS will help tenant agencies with:

- Searching for suitable office space
- Landlord and tenant disputes
- Technical real estate services; these can include market analysis, special facilities, coordination with legal counsel on lease matters, and other services.

Use a DAS Office Space Request Form to ask for more space, search for new space, or to change layouts in DAS-owned systems furniture (see link below).

**Contact for Information:** DAS Facilities Division, 503-378-2865 ext. 229.

[oregon.gov/DAS/FAC/forms.shtml](http://oregon.gov/DAS/FAC/forms.shtml).

**Relevant Statutes and Rules:** ORS 276; DAS Policies Manual 125-6-100 and 125-6-110.

## ADA Building Issues

Buildings owned by DAS fall under Title II of the Americans with Disabilities Act (ADA). DAS is responsible for removing architectural and communication barriers in common office areas of DAS-owned buildings and accessible routes. This includes:

- Access to the building from public transportation
- Sidewalk and curb cut changes
- Parking
- Building entrance
- Elevators
- Restrooms
- Public and main hallways
- Common spaces open to the public (i.e., meeting rooms, dining, lobby, and reception areas).

# State Management Handbook

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Areas not covered by DAS include:

- Employee workspaces; under Title I, the employing agency is responsible for barrier removal.
- Employee/employer reasonable accommodation issues that can be resolved by the employer without a physical change in the facility (i.e., relocate the employee's workstation or modify the assignment).
- Leased space. Buildings and office space leased by state agencies from the private sector generally fall under Title I and Title III of the ADA. The landlord is responsible for removing barriers in common office areas and accessible routes to the building. The tenant agency is responsible to make the services, programs, and activities offered to the general public accessible.

**Contact for Information:** DAS Facilities Division, 503-378-2865.

**Relevant Statutes and Rules:** ADA Accessibility Guidelines; Federal Register 28CFR Part 35, Vol. 56, No. 144, dated July 26, 1991.

## Remodeling Existing Property

DAS must preserve the architecture, design integrity, quality, and usefulness of the buildings it owns. Therefore, DAS must approve and manage remodeling and tenant projects. DAS assures that the projects comply with building codes. It also ensures that electrical, heating, ventilation, and air conditioning (HVAC) systems are not overloaded.

Major renovations or improvements to building structures and systems are included in the DAS Capital Improvements and Major Construction Budget requests. Costs for tenant improvements not included in the DAS budget will generally be borne by the tenant agency in addition to rent payments. Agencies will also be responsible for all tenant relocation costs. If it is not necessary to vacate space during a remodeling project initiated by DAS, the tenant agency continues to pay rent for the space it occupies during the remodeling.

The project authorization process is used to request tenant improvement projects not included in the DAS budget.

**Contact for Information:** DAS Facilities Division, 503-378-2865 ext. 260.

**Relevant Statutes and Rules:** ORS 276; DAS Policies Manual 125-6-210.

## Sales and Solicitations on State Property

Individuals who want to sell goods or services on DAS-owned property must obtain approval from DAS. Before engaging in any activity, submit a state premises agreement form to DAS for approval.

No person, firm, or state agency may place any vending facility in any state office building. Vendors wanting to set up a business to sell goods must obtain approval from DAS. The Commission for the Blind is given first right of refusal for operating vending facilities on state property. Qualified rehabilitation facilities are given second right of refusal.

# State Management Handbook

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**Contact for Information:** DAS Facilities Division, 503-378-3664.

**Relevant Statutes and Rules:** OAR 125-80-010; DAS Policies Manual 125-6-322 and 125-6-330.

## Security

As a state agency, the building you work in is a public building. Members of the public are our customers. However, you may restrict access to work areas or require members of the public to be chaperoned. Know your building policy; ask questions of strangers who look out of place, and report problems promptly.

Keep your personal possessions (wallets, purses, etc.) out of sight. Do not leave easily removable state equipment (cameras, laptop computers, etc.) unattended in halls or public areas of the building.

DAS contracts with the Oregon State Police and the Capitol Mall Patrol Office for security services in the Capitol Mall area and Airport Road in Salem. Report any incidents occurring on state property in these areas to State Police Dispatch or the Capitol Mall Patrol Office.

**Contact for Information:** Capitol Mall Patrol Office, 503-986-1122.

**Web site for Additional Information:** [oregon.gov/OSP/OPSS/](http://oregon.gov/OSP/OPSS/).

## Firearms and Alcohol in the Workplace

No firearm of any kind, including explosives, shall be permitted at any time on the premises of any state office building owned or leased by DAS. The provisions of this section do not apply to peace officers or members of any state or national military organization who are authorized by statute to carry or store firearms. Your agency should have a written policy regarding possession of firearms or weapons at work or in your workplace.

No alcoholic beverages of any kind, illegal drugs, or any statutorily controlled substance possessed unlawfully shall be permitted at any time on state premises. This applies to any state office building which is owned or leased by DAS, except:

- Wine when stored or used for official public business by the Department of Agriculture under ORS Chapter 576; or
- Alcoholic beverages stored legally in any private vehicle in transit through or while legally parked on any public grounds or parking areas under the control of DAS (ORS 276 and 283).

**Contact for Information:** Your agency's HR office, safety manager, or General Counsel.

**Web site for Additional Information:** [oregon.gov/DAS/SSD/Risk/RisKeyAlcohol.shtml](http://oregon.gov/DAS/SSD/Risk/RisKeyAlcohol.shtml).

**Relevant Statutes and Rules:** ORS 166.370 prohibiting firearms in most public buildings, OAR 125-155-500(2)(e) prohibiting firearms in state agencies, and OAR 125-75-015 prohibiting firearms in DAS buildings. DAS Risk Management Division (RMD) Self Insurance Policy, Alcohol Risk Control Policy 125-7-401. This policy applies to all agencies not directly headed by an elected official. DAS RMD recommends adoption by all state agencies. This policy controls evaluation of claims for loss or liability under the state's Self-Insurance Fund.

# State Management Handbook

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**Relevant Materials Available:** DAS RMD RisKey; A guide for controlling risks; Alcohol Policy, Q&A.

## Resource Conservation Management

State agencies are required by statute to promote waste prevention and recycling. DAS provides programs, guidance, and education to state employees. According to a legislative request, all DAS buildings now have centralized collection of garbage and recycling. This means all employees must empty their garbage and recycling in central areas that are cleaned daily by custodians.

DAS has a role in energy and water conservation for state government as well. In addition to extensive requirements for the efficient operation of buildings, DAS also promotes conservation at the employee level. DAS asks everyone who occupies space in their buildings to turn off computers, monitors, task lights, radios, and anything else that plugs into an outlet when away from their cubicle for more than 1 hour and at night. In addition, DAS does not allow small personal appliances such as toasters, coffee pots or space heaters in cubicles, and restricts larger appliances such as refrigerators and microwaves to communal break areas. DAS also asks all tenants to actively watch for energy savings opportunities and to report any water leaks to Operations and Maintenance immediately.

**Contact for Information:** DAS Facilities Division, 503-378-2865 ext. 241.

**Web site for Additional Information:** [oregon.gov/DAS/FAC/energy\\_conserv.shtml](http://oregon.gov/DAS/FAC/energy_conserv.shtml).

**Relevant Statutes and Rules:** ORS 279, DAS Policies Manual 125-6-375 and 125-6-378.

## Laws, Rules, and Counsel

### Your Agency's Laws and Rules

High on any new administrator's "to do" list should be meeting the agency's legal counsel and becoming familiar with the laws, regulations, and court decisions which govern state agency operation.

Statutes both authorize and limit agency actions. Statutes also establish procedures which agencies must follow before taking certain actions. Every administrator should be aware of laws and court decisions directly related to the agency's operations. Equally important, but often overlooked, are other laws applicable to state agencies generally. Some examples include:

- ORS 183.310-500 (the Administrative Procedures Act, governing agency rulemaking and contested cases)
- ORS 192 (Public Records and Meetings Laws)
- ORS 244 (Ethics Laws)
- ORS 279 (Public Contracting Laws).

# State Management Handbook

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## **Role of the Department of Justice**

The Department of Justice (DOJ) is responsible for general counsel and supervision of all civil actions and legal proceedings in which the state is a party or has an interest. DOJ, through the Attorney General, also has full charge and control of all the state's legal business that requires the services of an attorney or legal counsel. Services are provided to state agencies at a published hourly rate. DOJ is further responsible for the operation of a number of program areas designated by the Legislature, such as child support enforcement and consumer protection services.

## **Role of Your Assigned Assistant Attorney General**

Each agency is assigned an Assistant Attorney General who serves as the agency's contact attorney. This attorney is responsible for providing the agency with most of its day-to-day legal advice. The contact attorney will refer some legal issues to other attorneys in DOJ who have more expertise with a particular issue, thus assuring that the agency receives the best advice possible on each issue. Each agency is assigned a backup contact attorney, so that legal counsel should always be available. **Be aware that any contact with your assistant Attorney General will be billed to your agency.**

It is important that administrators confronted with legal questions seek the advice of counsel. Failure to comply with the law applicable to agency actions can result in lawsuits against the agency, which substantially affect agency operations and budget. Oregon courts have ruled, however, that where government officials have based their actions on advice of counsel, the officials will not be personally liable for any damages which result even if those actions are later found to be contrary to law.

In matters involving litigation against state agencies, you should refrain from making any public (media) comments as doing so may compromise the legal strategy. The same is true for matters under investigation. Consult with your assigned assistant Attorney General for guidance about dealing with media inquiries involving your agency's investigation or litigation.

The Attorney General and attorneys under the Attorney General's supervision in DOJ act as legal counsel to all agency administrators. ORS 180 provides that the Attorney General is the sole counsel for state agencies, except in cases where the Attorney General determines that other counsel is necessary and appropriate.

## **Attorney General Opinions and Letters of Advice**

Opinions of the Attorney General may be issued in response to requests by state agency officials and state legislators to assist them in the performance of their duties. These opinions are not law, but rather are advice to state officials on questions of statutory interpretations and how the law applies to particular fact situations.



# State Management Handbook

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The opinions fall into two broad categories:

- Formal Attorney General Opinions (published) are signed by the Attorney General as chief legal officer of the state and typically respond to questions concerning constitutional issues and other matters of statewide concern.
- Letters of Advice (sometimes referred to as “informal opinions”) are issued on matters less likely to impact those other than the requestor and are signed by the Chief Counsel of the Department of Justice (DOJ) General Counsel Division.

There is both an online version of the Attorney General Opinions and a printed copy. The printed copy is the official copy (the online copy is made available for added convenience, see link below).

**Contact for Information:** Publications section, 503-378-5555 (to obtain a printed copy).

**Web site for Additional Information:** [doj.state.or.us/agoffice/summary.shtml](http://doj.state.or.us/agoffice/summary.shtml).

## Attorney General Services for Legislative Matters

The Attorney General and assistants under the Attorney General often testify before the Legislature on behalf of client agencies. In consultation with staff, the Attorney General will decide which bills will be monitored. Alternatively, an agency may request monitoring, legal advice, or legislative testimony concerning pending legislation.

In cases where the assistants testify, it should be made clear that they are expressing the views of the agency and not those of the Attorney General, unless the Attorney General officially supports the legislation. Time spent by the Attorney General and assistants under the Attorney General will be billed to your agency.

## Department of Justice Special Services and Publications

The Department of Justice (DOJ) provides a number of special services and publications:

- The “Public Records and Meetings Manual” discusses in detail the requirements imposed on government by the Public Meeting and Public Records Laws.
- The “Attorney General’s Administrative Law Manual and Model Rules of Procedure” provides an in-depth review of the state Administrator’s Procedures Act (ORS 183). Of particular importance is the manual’s discussion of requirements for rulemaking and contested case proceedings.
- Every two years, DOJ sponsors the “Public Law Conference” for state agency personnel. The conference focuses on new laws and court decisions affecting agency operations and provides seminars on subjects such as rulemaking, contested cases, labor law issues, ethics laws, and public contracting. A manual is printed every two years that is used for the Public Law Conference, but it is useful for people who do not attend as well.
- DOJ has established a Business Transactions Unit staffed with attorneys experienced in drafting and reviewing contracts.
- DOJ periodically provides seminars on specialized subjects.

# State Management Handbook

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**Contact for Information:** Publications section, 503-378-5555 ext. 325.

**Web site for Additional Information:** [doj.state.or.us/](http://doj.state.or.us/).

## Public Records and Public Meetings

### What are Public Records?

The term “public records” may include handwritten notes, typewritten records, printed material, copies, photographs, maps, recordings (sound or picture), and computer records (including electronic mail).

The Public Records Law is found in ORS 192.410. The policy of the law is that all Oregon state and local government records are available, on request, to any member of the public, unless the record is exempt by law from disclosure.

**What this means is:** Anything on which employees of state agencies record information in the discharge of their duties probably constitutes a public record.

### How to Determine if a Document is Public

The Public Records Law contains a long list of records that are exempt from disclosure. Most exemptions are conditional and the public body is required to consider whether the public interest requires disclosure of the record despite the exemption. The exemptions are found at ORS 192.445, 192.501, and 192.502.

If you have questions about whether a specific record is public, consult with your assigned legal counsel at the Attorney General’s office through an authorized representative in your agency. Otherwise, the public body that denies a record request faces the task of proving that the record is exempt from disclosure.

### State Records Center

The State Archivist operates the State Records Center, which provides off-site storage for agency records. To qualify for transfer to the Records Center, these records must be used infrequently. They must also have some time left on their retention period. While at the Records Center, these records remain agency property. The State Archives provides space for them and service to them. However, all requests for access to these records must be handled by the agency that created them.

### State Archives

The State Archives itself exists to preserve permanently valuable records of Oregon government. Examples of holdings include the records of the Territorial and Provisional Governments, Supreme Court case files, and records of the Legislative Assembly. When records are transferred to State Archives, they become the property of State Archives. They must remain in the Archives Building, and Archives staff handles all requests for access to them.

# State Management Handbook

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Records in State Archives come from all branches and agencies of government. They are a valuable resource for administrators. Records demonstrate past policy, document the impact of decisions, and provide a basis for future planning and administration.

## Public Meetings

Oregon's Public Meetings Law is found in ORS 192.610 through 192.710, and serves two purposes: it provides a means by which the public can be informed about the deliberations and decisions of state government, and it ensures that governing bodies in Oregon have an open decision-making process.

**Contact for Information:** Your agency's authorized representative, 503-378-4620.

**Relevant Materials Available:** Attorney General's Public Records and Meetings Manual, from the Publications section, 503-378-5555.

## Government, Ethics, and You

In 1974, Oregon voters approved a ballot measure which created ORS 244 and the Oregon Government Ethics Commission. In 1993, the Legislature renamed the agency the Government Standards and Practices Commission (GSPC). The GSPC administers Oregon's ethics laws. These laws prescribe a code of ethics and require disclosure of potential conflicts of interest. The laws apply to state and local officers, agents, and employers; paid or unpaid.

## Code of Ethics

The Code of Ethics is listed in ORS 244.040, and contains six sections of prohibited conduct. They are:

- Use of public office to obtain private financial gain for oneself, a household member, or an associated business; the GSPC has interpreted the statute to also prohibit the use of public materials, equipment, facilities, or personnel for private gain.
- Acceptance of gifts worth a total of over \$100 in a calendar year from someone with a legislative or administrative interest in your office.
- Taking or offering to take official action based on the promise of future employment.
- Use of confidential information for personal gain.
- Giving of the gifts described above.
- Representing a client for a fee before a public body of which a person is a member.

## Conflicts of Interest

Conflicts of interest disclosure requirements are listed in ORS 244.120. Public officials must take specific actions to deal with actual or potential conflicts of interest. The following definitions are found in ORS 244.020:

# State Management Handbook

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- An actual conflict of interest is any action, decision, or recommendation by a public official, the effect of which would be to the private financial benefit or detriment to the official, the official's relative, or a business with which the official or relative is associated.
- A potential conflict of interest is the same, except that the effect of the action, decision, or recommendation could be to the private financial benefit or detriment of the official, relative, or business.

**Relevant Statutes and Rules:** Exceptions are listed in ORS 244.020; methods of disclosure are listed in ORS 244.120.

For appointed officials (including employees) other than appointed members of a board or commission, the appropriate action is to notify your appointing authority in writing. Your appointing authority will decide how to handle the conflict of interest.

A **Statement of Economic Interest** is a form that asks several questions about your sources of income. State employees (primarily department heads) who are required to file Statements of Economic Interest are listed in ORS 244.050.

## Ethics and Lobbying Laws

Public officials, including officers and employees of state agencies, are subject to the lobbyist regulations found in ORS 171 when they lobby. These regulations are enforced by the GSPC. They include registration and reporting requirements.

## Lobbying by State Employees

Many state officials' jobs may require them to lobby – i.e., influence or attempt to influence legislative action. As a state official, you must register with the GSPC when and if your lobbying activities exceed 24 hours or \$100 per quarter. See ORS 171.735 for exceptions.

You are lobbying when you:

- Talk or write to a legislator or legislative staff to influence legislative action; this includes testimony favoring or opposing a bill or budget.
- Proposing amendments to a bill, including technical amendments.
- A letter, memo, or electronic mail favoring or opposing a bill or budget; formal or casual conversations favoring or opposing a bill or budget.
- Talk or write to a legislator or legislative staff to promote good will toward an agency or program.
- Talk or write to others with the intent to ask them to influence legislative action, which includes: meetings where you ask people to influence legislative actions by supporting or opposing a bill or budget, and letters, memos, electronic mails, or newsletters asking people to support or oppose a bill.

# State Management Handbook

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You are not lobbying when you:

- Talk or write to a legislator or legislative staff merely to provide neutral facts; the facts may apply to any program, budget, bill, or issue; or the facts may include estimates of fact or opinions of fact.
- Do work within your agency to research, write, or otherwise develop a bill or budget.
- Research or write testimony supporting or opposing a bill.
- Are waiting to present testimony or meet with legislators or staff.
- Write or talk to anyone to solicit their input on an agency's legislative proposals or budget.
- Do support work for an agency's lobbying activities but do not communicate, yourself, with legislators or their staff.

## Who should lobby?

Agencies should limit lobbying activities to the minimum number of employees and board or commission members needed to effectively represent the Governor and agency. In most cases, the agency head and one liaison will suffice.

**Contact for Information:** GSPC, 503-378-5105.

**Web site for Additional Information:** [oregon.gov/DAS/lobbyingguidelines.shtml](http://oregon.gov/DAS/lobbyingguidelines.shtml).

## Election Activity

Alleged election law violations are investigated by the Secretary of State, Elections Division.

Political activities of public employees are discussed in ORS 260.432, which deals with the solicitation of public employees and public employees' activities during working hours.

The following discussion is intended to highlight some areas of concern. All public employees, elected officials and public employers are advised to review a detailed memorandum about this election law on the Secretary of State's Elections Division Web site (see link below).

ORS 260.432 prohibits public employees from spending time during working hours to promote or oppose political committees, candidates, initiative, referendum or recall petitions, or ballot measures. Oral, written and broadcast efforts all fall under this provision. Some areas that need to be considered by public employees under the statute:

The statute does not allow the preparation or distribution of materials used in either support or opposition during working hours. A public employee may provide only impartial, factual information related to a political committee, election petition, measure or candidate during work time. Impartial means equitable, fair, unbiased and dispassionate. Specific factors to assist in ensuring impartiality are included in the above referenced memorandum.

# State Management Handbook

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Public employees may not be involved in activities such as collection of funds, receipt and distribution of advocacy materials, or recruitment correspondence for political action committees during work time. Lunch hours when the employee is considered off duty may be used for political activity, depending on employer lunch policies.

A public employee may be involved in political activity during personal, off duty time. A public employee may, at any time, express personal political views.

Regarding the use of public buildings and other facilities: If the governing body allows one political group to use public facilities, all groups should have the same opportunity. Election law does not directly address use of public buildings; however, other laws may apply (ORS 294.100).

If an employee makes public presentations or speeches during work time, or in an employee's "official capacity," they must make sure the speech is only factual and neutral in its presentation (see also ORS 260.665, "undue influence," for more detail).

Some administrators' work time is not as easily measured as others. Administrators and any salaried public employees need to be careful at all times. If they will be advocating a position on a petition, a vote, or a candidate, they need to announce that they are not acting in their official capacity, and are advised to keep records when appropriate in order to verify any such political activity occurs while off duty.

**Contact for Information:** Secretary of State, Elections Division, 503-986-1518; an authorized representative from your agency may contact your agency's assigned assistant Attorney General. The Secretary of State, Elections Division, offers to review any public agency's draft material about election issues prior to its publication. An advisory letter is issued with suggested changes; with the goal of assuring the publication is impartial.

**Web site for Additional Information:** [sos.state.or.us/elections/Publications/pub.htm](https://sos.state.or.us/elections/Publications/pub.htm).

## IV. Public and Legislative Relations

### Public Relations

A positive relationship with private citizens as well as the media is crucial for state managers. The following tips are intended to foster and maintain good relationships:

#### Responses to Citizens' Complaints

- Reply as quickly as possible; don't put off returning a call, answering a letter, or responding to e-mail
- Be factual, accurate, concise, and clear
- Avoid use of jargon terms, initials, and acronyms
- Treat the citizen as an individual, not as a member of a general category
- If you are not sure of an answer, say so
- If you agree to an action that affects your agency, tell the appropriate people
- Don't "talk down" to the caller or writer (inform not impress)
- Include a contact name and number in case they have additional questions
- Use e-mail whenever practical.

#### News Media Relations

Be clear regarding the limits of your authority and responsibility. If there is a designated media contact in your agency, refer the reporter to that person. If you are asked to respond, let your media contact know what was asked and how it was answered.

- Ask the reporter what their deadline is; if you cannot get them the answer by the deadline, tell them.
- Avoid a defensive reaction to the news media.
- Be open with the media with the intent to inform, clarify, correct, or deal with the task at hand (straying away can cause unwanted headlines).
- Provide facts if you have them, but don't bluff if you don't; it's okay to say "I don't know".
- If you are not asked the "right" question, ask it yourself – and answer it.
- Don't offer your personal opinion; you are representing your agency when you talk.
- Have the assumption that what you are doing is right.
- Don't try to go "off the record," it seldom works.
- Use electronic mail whenever practical.
- Keep a record of the contact for your files in case there is a major error in the reporting; it will also come in handy if other reporters ask for similar information.

# State Management Handbook

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## Legislative Relations

The following suggestions are intended to help you achieve an effective relationship with legislators and their staff:

### Legislative Requests for Information and Reports

- Be certain you fully understand the question or request – and know what facts you should provide; it is often helpful to ask for the context of the request to make sure they are asking for the information that’s going to be the most useful.
- Be quick, accurate, and clear in responding to a request for information.
- If you are unsure of an answer, say you don’t know and that you’ll get back to them as soon as you find the answer; follow through on your commitments.
- Keep a legislator’s staff in the loop on information you provide directly to a Legislator.
- Maintain your integrity; truth and reliability are your foremost assets.
- If a request is going to involve extensive staff time, let the Legislator know the response may take some time.
- Be helpful to all legislative staff, not just those working on legislation related to your agency.

### Meeting with Legislators or Testifying before the Legislature

- Understand that facts and issues dealt with between yourself and the Legislature are not to be viewed as wins and losses.
- If a professional relationship is maintained, both branches of government should benefit.
- Be clear regarding the limits of your authority and responsibility.
- Be specific on how your goals affect stakeholders and the public.
- Be clear, concise, and have the necessary data to support your assertions.
- Specific information or examples are most effective.
- Be sure the Governor and DAS are not opposed to the position your agency plans to take.
- Plan ahead before providing testimony; if you can, meet with committee staff before testifying to make sure you are addressing the committee’s needs, areas of concern, and potential questions.
- When testifying – including responding to questions from members at the table – always direct your testimony/response to the committee chair first and then the legislator who posed the question.
- If a committee member asks for a report or for some information, provide it to all committee members and committee staff.



# State Management Handbook

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## Technological Alternatives

Avoid unnecessary trips to the Capitol. Take advantage of the legislative coverage available through the Internet and on closed-circuit TV to state agencies. Often the most efficient way to relay information to a Legislator or legislative staff is through electronic mail.

**Contact for Information:** 503-731-3126.

**Web site for Additional Information:** [oregon.gov/DAS/SDC/network/pctv/rooms.shtml](http://oregon.gov/DAS/SDC/network/pctv/rooms.shtml).

## Legislative Structure

### Organization

**The Legislative Assembly** consists of the Senate and the House of Representatives.

**The Legislature** consists of 30 Senators and 60 Representatives.

### Term of Office

- Representatives are elected for two-year terms
- Senators are elected for four-year terms
- Elections are held in even-numbered years.

### Schedule

- Regular sessions commence on the second Monday in January of each odd-numbered year.
- Special sessions may be called by either the Governor or by a majority of both houses.
- The length of the session depends primarily upon the amount of business to be acted upon by the Legislature; usually, the session lasts more than 150 calendar days.

### Organization of the Legislative Assembly

- The leader of the Senate is the President of the Senate, and the leader of the House is the Speaker of the House.
- Other leadership positions include President Pro Tempore, Speaker Pro Tempore, Majority Leaders, and Minority Leaders.

### Committees

- The Senate and the House have from 11 to 16 standing committees, ranging from five to 11 members each. These committees usually cover areas such as children and families, business, education, general government, human services, judiciary, legislative rules and reorganization, natural resources, revenue and school finance, and ways and means (appropriations).

# State Management Handbook

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- The presiding officer designates the chair and vice-chair of each committee and the committee members.
- The committee system divides up the work of the Legislature. Bills are assigned after the first reading to a specific committee by the presiding officer. In acting on a bill, the committee does one of the following: holds the bill without taking any action on it, holds the bill but substitutes and reports out another related bill (“gut and stuff”), or reports the bill out of committee to the floor of the Senate or House. A bill may be removed from committee by a majority vote in the Senate and the affirmative vote of 31 members in the House.
- Most of the work of the Legislature is done in committee where the public has the opportunity to testify in favor of or in opposition to a bill.

**Contact for Information:** Legislative Information, 503-986-1388.

**Web site for Additional Information:** [leg.state.or.us/comm/commsrvs/home.htm](http://leg.state.or.us/comm/commsrvs/home.htm).

## Process: Legislative Bills

A bill is a proposed law. All statutes, except those initiated by the people (initiatives), must be enacted through a bill.

### Steps in Enacting a Bill

- Agency submits a proposal (idea for a law) to DAS for the Governor’s approval; the Governor pre-session files all agencies’ bills on behalf of the agency.
- Approved proposals are sent to Legislative Counsel for drafting.
- Read in the chamber of origin.
- Assigned to committee.
- Hearings held.
- If committee takes action, it is read a second time.
- Bill is then given third reading which is followed by debate and voting.
- If bill passes, it is sent to the other chamber.
- Other chamber then goes through the same process as outlined above; if changes are made, it must return to the first chamber for approval of changes.
- Goes to the Governor:
  - Signed;
  - Bill becomes law without the Governor’s signature; or
  - Vetoed.

# State Management Handbook

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## **Introduction of Bills**

- Bills may be introduced by the Governor through pre-session filing or through a member, committee, or as set forth in the Senate and House Rules; agency bills must have the Governor's approval before they are introduced.
- One or more members of either chamber or members of both chambers may introduce bills.
- Revenue measures must originate in the House.

## **When Laws Become Effective**

In 1999, the Legislative Assembly adopted ORS 171.022, which reads, "Except as otherwise provided in the Act, an Act of the Legislative Assembly takes effect on January 1 of the year after passage of the Act."

**Contact for Information:** Legislative Administration, 503-986-1180.

**Web site for Additional Information:** [leg.state.or.us/comm/legadmin/](http://leg.state.or.us/comm/legadmin/).

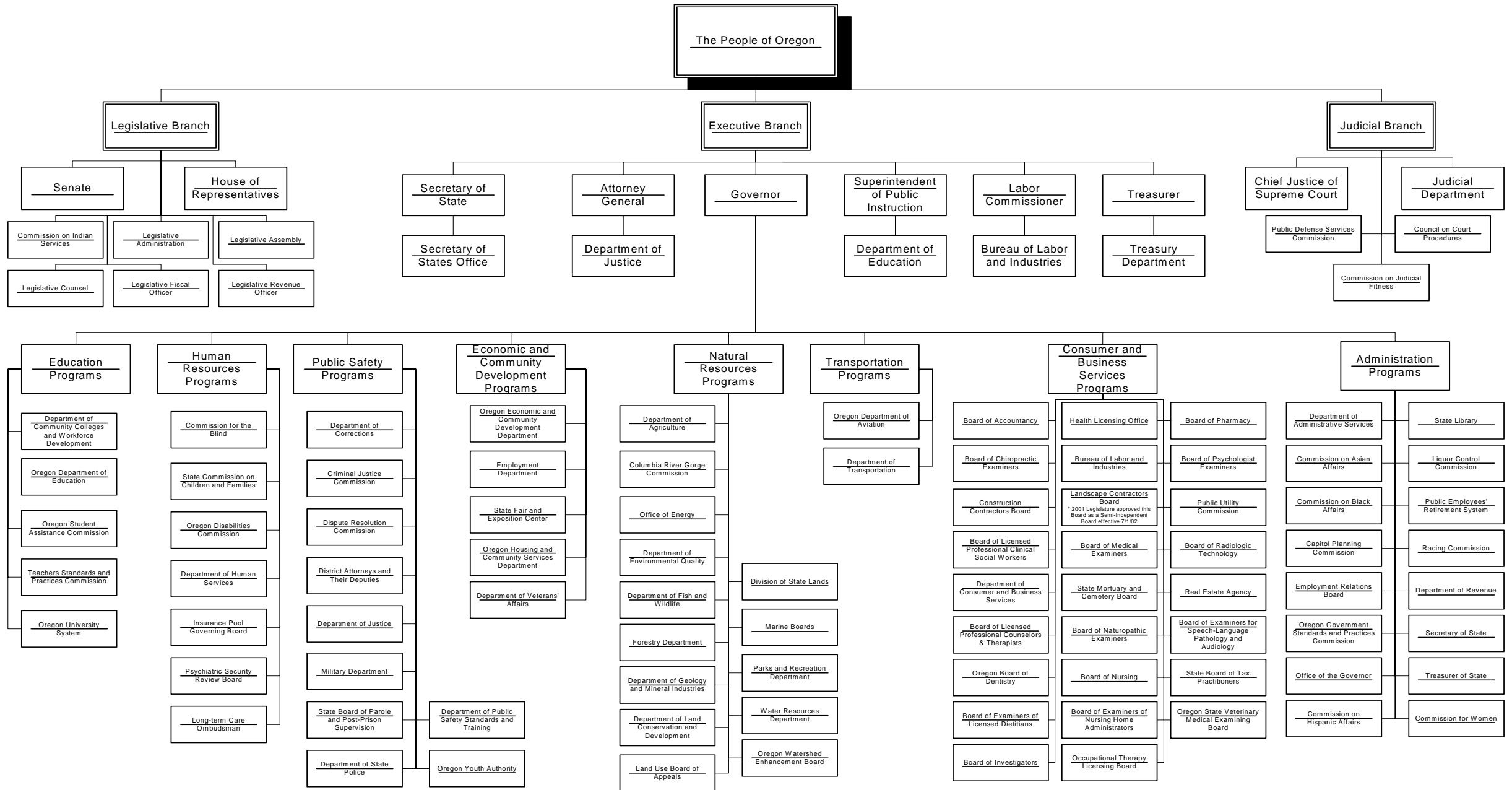
**Relevant Materials Available:** The "Oregon Legislative Guide" (legislative process, current leadership, profiles of individual legislators, and legislative terms), contact Legislative Administration.

## **State of Oregon Organization Chart**

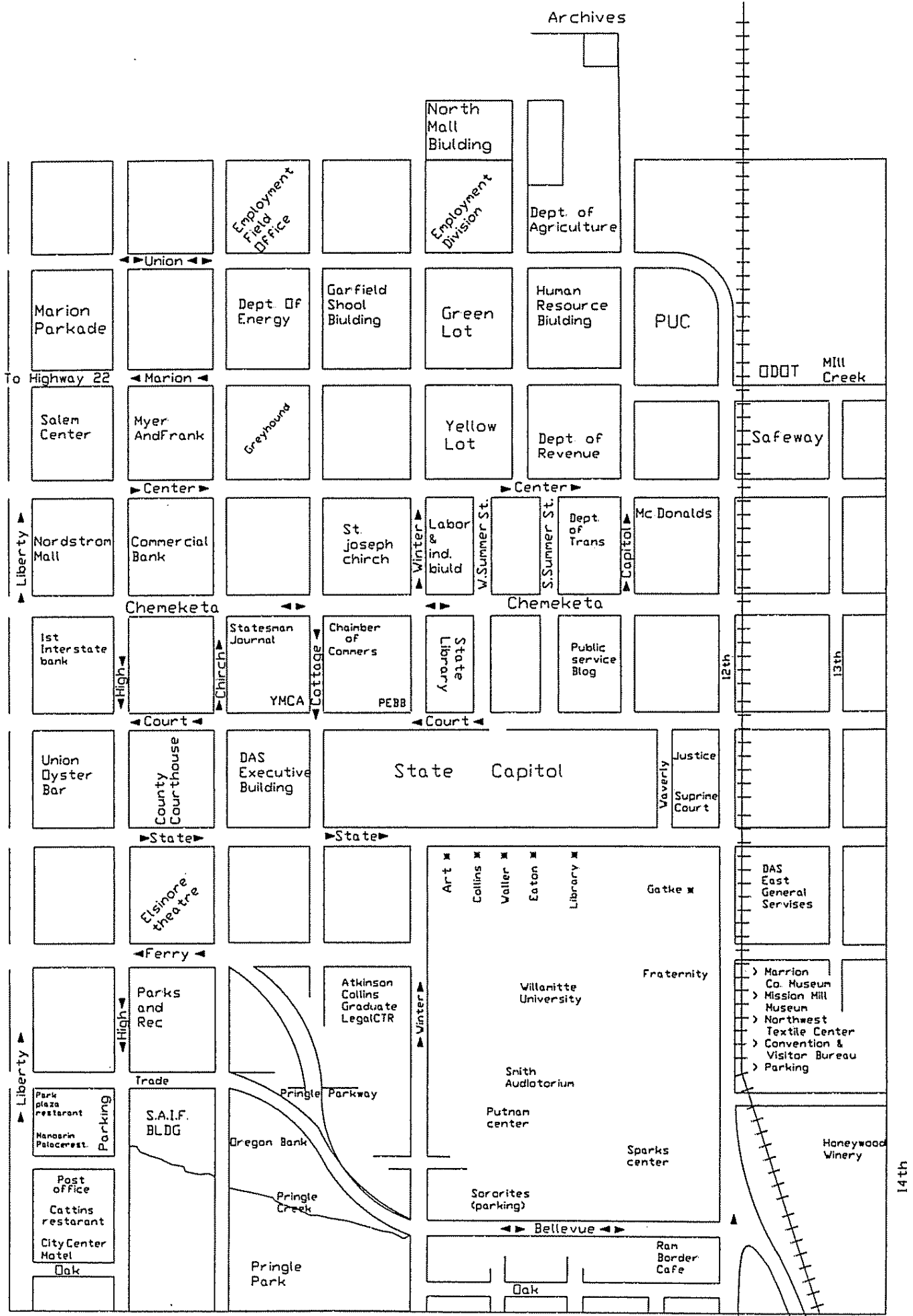
## **Map of the Capital Mall**



# STATE OF OREGON – ORGANIZATION CHART











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In compliance with the Americans with Disabilities Act, this publication can be made available in alternate formats. Contact the Department of Administrative Services Director's Office at (503) 378-3104.

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