

	DEPARTMENT OF ADMINISTRATIVE SERVICES POLICY MANUAL ISSUING DIVISION: FACILITIES DIVISION	NUMBER 125-6-351
	APPROVAL: C. David White	EFFECTIVE DATE May 21, 2001
SUBJECT: FLAG PROTOCOL AT STATE FACILITIES		PAGE 1 OF 3

POLICY: Protocol for flying the national and state flags at state facilities is a mix of statute and custom. Statute requires agencies to display state and national flags at all office buildings wholly owned or leased by the state. In a campus of state buildings (such as the Capitol Mall), one set of flags for the campus is adequate. On special days, principal buildings are also to fly the POW-MIA flag. Flags are not required for state offices leased in a multi-tenant private office buildings, but, in general, it befits state offices to display the US and State flags even indoors.

US AND OREGON FLAGS:

1. ORS 186.110: *“(1) The person or body having custody of each public building shall procure an Oregon State flag of suitable size and shall cause the Oregon State flag to be displayed with the United States flag upon or near such public building during the hours when the United States flag is customarily displayed, except in unsuitable weather, and at such other times as seems proper. (2) As used in this section, "public building" means:*
 - (a) *State institutions.*
 - (b) *All other state buildings upon which the Oregon Department of Administrative Services determines it is suitable to display the Oregon State flag.*
 - (c) *County courthouses.*[1953 c.474 ss.1,2]
2. ORS 186.120: *The necessary funds to defray the expenses incurred for such flags and for poles and appliances necessary in connection therewith and for the care thereof shall be paid out of the funds available for the care and maintenance of the public building. [1953 c.474 s.3] “*
3. Pursuant to ORS 186.110 (2) (b), the Department designates the following general classes of state buildings as being appropriate to display the Oregon state flag.
 - A. Each state office building owned or leased by the state, except when two or more of such buildings are located adjacent to each other forming a building complex or a campus.
 - B. Each complex or campus of state office buildings owned or leased by the state. For such state building complex or campus, the flags need be displayed only on or in front of one state building which is:
 - 1) considered a major building either for housing the headquarters functions for the complex or campus or, when in the absence of such functional distinction;
 - 2) is the largest building, or;
 - 3) is the most centrally located building or otherwise the most appropriately located building to display the flags.

4. One Oregon State flag shall be displayed along with one United States flag, and the flags shall be handled in the proper manner and respect which are appropriate for such flags.
5. Where an agency is just one of many tenants in a privately owned building, it decides for itself whether its site is suitable for a flag. We suggest that displaying flags indoors should be considered preferable to not displaying them at all.

POW-MIA FLAGS:

1. Technically, state law requires display of the POW-MIA flag only on or near “*the* principal building” of the state. That would be the Capitol. We recommend you apply the law more broadly, flying the flag at departmental principal buildings. Obviously field offices are not principal buildings of the state government, but when in doubt, we suggest that you lean in favor of flying the flags.
2. ORS 187.220: (1) A public body shall display the National League of Families' POW/MIA flag with the United States flag and the Oregon State flag upon or near the principal building of the public body on the following days:
 - (a) Armed Forces Day on the third Saturday in May.
 - (b) Memorial Day on the last Monday in May.
 - (c) Flag Day on June 14.
 - (d) Independence Day on July 4.
 - (e) National POW/MIA Recognition Day. [3rd Friday in September]
 - (f) Veterans Day on November 11.
- (2) The Oregon Department of Administrative Services **shall provide** a National League of Families' POW/MIA flag **to a public body** for display under subsection (1) of this section. (Note: To comply with this law, all eligible public bodies were invited to request one free POW/MIA flag on or before December 31, 1999. Thereafter, those public bodies must purchase POW/MIA flags.)
- (3) As used in this section, “public body” means the state, a county and a city.”

HALF-STAFF:

1. The flags shall not be flown at half-staff except when so ordered by the President or Governor. It is conveyed by phone from the Governor’s Office to the DAS Facilities Division. We then telephone the head offices of state agencies and local governments. They are to telephone their subunits. This is done by phone because the word comes suddenly and must be acted upon at once. (Agencies displaying the flag on Memorial Day do not need an order to display the flag at half-staff until noon. However, flags flown at half-staff until noon on Memorial Day must then be raised to the top of the staff for the afternoon.)
2. Excerpts from Public Law 94-344, July 7, 1976, amendment to the Flag Code (USC Title 36 Chapter 10) “.....*By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of the State, territory or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not consistent with law.*
3. “*In the event of the death of a present or former official of the government of any State, territory or possession of the United States, the Governor of that State, territory or possession may proclaim that the National flag may be flown at half-staff.*”

4. Presidential Proclamation 3044, signed by President Eisenhower in 1954 gives the number of days for flying flags at half-staff in respect for various federal officials and formal officials upon their deaths. These details are provided in any Presidential notice conveyed to the states' governors.

OTHER FLAG PROTOCOL:

1. Cornell University provides the text of US Code Title 36 Chapter 10:

<http://www4.law.cornell.edu/uscode/36/ch10.html>

This 1976 federal law contains a variety of patriotic customs, including:

§ 173. Display and use of flag by civilians; codification of rules and customs; definition.

§ 174. Time and occasions for display.

§ 175. Position and manner of display.

§ 189. Recognition of National League of Families POW/MIA flag.

§ 189a. Display of POW/MIA flag.

2. The American Legion

<http://www.legion.org/flagcode.htm>