OREGON GOVERNMENT ETHICS COMMISSION

DIVISION 40

EXECUTIVE SESSION

199-040-0027
Employment of a public officer, employee, staff member or individual agent
(1) The purpose of this rule is to provide guidance to governing bodies when the governing body holds an executive session permitted by ORS 192.660(2)(a): "To consider the employment of a public officer, employee, staff member or individual agent."
(2) In order to meet the requirements for an executive session permitted by ORS 192.660(2)(a), the individual agent whose employment the governing body is considering must be a single person. Some examples are a city attorney, an accountant or another individual who would perform services on behalf of the public body in the capacity of an agent, even if the prospective individual agent works for a larger firm or company. Firms or business entities that consist of more than one person are not individual agents, and a governing body shall not consider the employment of a firm or entity in executive session under this section.
(3) When a governing body convenes an executive session to consider employment of public officers, employees or staff members under ORS 192.660(2)(a), it must first fulfill the prerequisites listed in ORS 192.660(7)(d). ORS 192.660(7)(d) requires that the public body:
    (a) advertise the vacancy;
    (b) adopt regular hiring procedures;
    (c) In the case of an officer, offer the public an opportunity to comment on the employment of the officer; and
    (d) In the case of a chief executive officer, the governing body must have adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.
(4) When a governing body convenes an executive session to consider the employment of an individual agent under ORS 192.660(2)(a), it is not required to fulfill the prerequisites listed in ORS 192.660(7)(d).
Stat. Auth.: ORS 244.290
Stat. Implemented: ORS 192.660(2)(a), ORS 192.660(7)(d)