

 STATEWIDE POLICY	NUMBER 50.010.08	SUPERSEDES 50.010.08
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	REVIEWED DATE New	
Division Chief Human Resources Office	Authority ORS 240.145 and ORS 240.250	
Policy Owner CHRO Policy Unit		
SUBJECT Recording Workplace Conversations	APPROVED SIGNATURE <i>Signature on file with the Chief Human Resources Office</i>	

POLICY STATEMENT

It is the policy of Oregon state government that mutual respect between managers, employees, temporary employees and volunteers is integral to the efficient conduct of business. To encourage open communication, free exchange of ideas, spontaneous and honest dialogue and an atmosphere of trust, Oregon state government prohibits the recording of workplace conversations between employees without the knowledge of all parties.

APPLICABILITY

All employees and others working in an agency, where not in conflict with an applicable collective bargaining agreement.

ATTACHMENTS

None

DEFINITIONS

Employee: A person holding a full- or part-time permanent, limited duration, temporary, seasonal, or academic position in state service.

Others working in an agency: May include members of boards, commissions, councils, task forces, workgroups, advisory groups, volunteers, interns and other communities of interest.

Audio recording: A recording made by any electronic device or system capable of recording sound which may be stored and is capable of being reproduced.

Visual recording: A recording on any medium of still or moving visual images with or without audio which may be stored and is capable of being reproduced.

Authorized recording: A video or audio recording, or an automated transcription made by the agency as required by law, rule, or agency policy.

Automated transcription: A transcription made by any electronic device or system which may be stored and

is capable of being reproduced (for example, a Microsoft Teams meeting transcription, Artificial Intelligence (AI) transcription, etc.).

Also refer to State HR Policy 10.000.01, Definitions.

POLICY

Unauthorized audio and visual recording in the workplace is disruptive to employee morale and inconsistent with the respectful behavior required of state employees.

- (1) No employee may create audio, visual, or automated transcription records of person(s) during work time, while in work areas, or while conducting business of the state.
 - (a) Exceptions:
 - (A) Investigatory meetings
 - (B) Disciplinary process meetings
 - (C) Public meetings (under public meetings law)
 - (D) Situations where the appointing authority determines a legitimate business reason for the recording exists
 - (E) Conversations where an employee wishes to record the conversation and their supervisor approves. The reason for the approval must be given on a case-by-case basis and documented. The employee must provide the agency with a copy of the recording.
 - (F) Authorization is given by law enforcement
 - (G) Authorized building security and surveillance
- (2) Recordings made in the workplace under section 1 may not be done without the knowledge of the other person(s).
- (3) Any agency recording made in the workplace is the property of the state, may be subject to disclosure under applicable public records law, and must be stored and retained properly. Recordings made by employees may be subject to disclosure under applicable public records law.
- (4) Violation of this policy may result in disciplinary action up to and including dismissal from state service.
- (5) Nothing in this policy is intended to interfere with, infringe upon, or restrain employee rights under the Public Employee Collective Bargaining Act (PECBA).

- (a) Audio or visual recordings made by labor organization representatives acting in their official capacity remain the property of the labor organization. Recordings may be subject to public records law.