

RESOLUTION No.

A Resolution approving Chapters One through Five of the Personnel Rules of the City of Portland and authorizing the Personnel Director to carry out their provisions.

WHEREAS, in November 1986 the electorate, by Charter amendments, authorized reform of the personnel system of the City of Portland, through the transfer of administrative functions from the Civil Service Board to the Bureau of Personnel Services, and

WHEREAS, on May 7, 1987, Council passed Ordinance No. 159639, to provide the policy framework to guide the Personnel Director in the drafting of Personnel Rules, and

WHEREAS, the Bureau of Personnel Services, having received recommendations of the Personnel Advisory Committee and the input of other interested parties, presents for Council approval, five chapters of new Personnel Rules, which are attached hereto as Exhibit A. Additional rules, in the process of being drafted to implement Council policy on affirmative action, employee rights and obligations and other personnel matters addressed in Ordinance No. 159639, will be submitted to Council for approval at a later time. The rules attached hereto as Exhibit A constitute the first five chapters of new rules and are submitted in advance of the additional rules because they directly pertain to the transfer of functions from the Civil Service Board to the Personnel Bureau and must be in place effective July 1, 1987.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Portland, Oregon does hereby approve the rules attached hereto as Exhibit A,

BE IT FURTHER RESOLVED, that the Personnel Director is authorized to implement and carry out the provisions of Exhibit A.

Adopted by the Council,

Commissioner Earl Blumenauer
John E. Woods (0596G)
June 11, 1987

BARBARA CLARK
Auditor of the City of Portland
By
Deputy

ARCHIVES CROSS REFERENCE SHEET

The following **PHOTOGRAPH NEGATIVE MAP PLAN REPORT** has been removed from this file.
It can be found in:

Location: 10-06-19 (110/13)

Series #: 2012-35

Title/Description: Personnel Manual

Date: _____ By: _____

ORDINANCE NO.

An Ordinance relating to reform of the City's personnel system, amending Title 4, Personnel, of the Code of the City of Portland by adding new chapters, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. In November 1986 the electorate, by charter amendments, authorized reform of the personnel system of the City of Portland, through the transfer of administrative functions from the Civil Service Board to the Bureau of Personnel Services.
2. The charter amendments shall take effect on July 1, 1987. The charter, as amended, requires the Personnel Director to propose new personnel rules for Council adoption to be effective July 1, 1987.
3. The charter leaves to the Council responsibility to declare City policy for the City's new comprehensive system of personnel administration, according to which the new personnel rules will be drafted. The Bureau of Personnel proposes new ordinance chapters for inclusion in Title 4 of the City Code to provide that policy framework. The amendments embody or are based upon modern principles of personnel administration.

NOW, THEREFORE, the Council directs:

- a. Title 4, Personnel, of the Code of the City of Portland, Oregon, is hereby amended by adding Chapter 4.01, Personnel Policy and Chapter 4.02, Definitions, which shall hereafter be numbered and shall hereafter read as follows:

**Chapter 4.01
PERSONNEL POLICY**

Sections:

- 4.01.010 Policy Statement
- 4.01.020 Scope of Policy
- 4.01.030 Administrative Policies
- 4.01.040 Authority of Personnel Director
- 4.01.050 Duties of Personnel Director

4.01.010 Policy Statement. To ensure the provision of high quality services which are responsive to the needs of the community, it is the policy of the City Council to provide a fair and equal opportunity for public service to all interested citizens. It is also the policy of the City Council to provide for conditions of service which will attract, develop and retain officers and employees whose integrity, skills and abilities will promote excellence in the organization. To accomplish these policy objectives requires that the City Council authorize and direct the adoption of a uniform system of personnel administration.

4.01.020 Scope of Policy. The provisions of this chapter and of Chapter 3.18 hereby incorporated by reference, shall pertain to all employees in the classified service, provided that in the event of a conflict between a provision of this chapter or a rule adopted hereunder and the provisions of any collective bargaining agreement, the collective bargaining agreement shall prevail. The Personnel Director shall promulgate rules to carry out the provisions of this chapter.

4.01.030 Administrative Policies. The Rules promulgated under this chapter by the Personnel Director shall ensure the operation of the Personnel system in accordance with the following administrative policies:

A. RECRUITMENT AND SELECTION: Recruitment, selection, reinstatement, and advancement procedures will be job-related and based upon the relative ability, knowledge and skills required for the job. Selection procedures which are used as a basis for any employment decision must be validated, modified or changed in accordance with the Uniform Guideline on Employee Selection Procedures or otherwise demonstrated to be in accord with applicable federal and state laws.

B. COMPENSATION: The compensation plan shall be based upon a consistent method of evaluation which takes into account the following factors:

1. the classification's role and responsibility within the organization;
2. internal salary equity;
3. labor market considerations;
4. complexity or difficulty of the work;
5. other pertinent factors as determined by Council.

During the regular budgetary process, compensation ranges for all nonrepresented classifications shall be set for the upcoming fiscal year. The City recognizes the legitimate role of collective bargaining in determining compensation for represented employees.

C. CLASSIFICATION:

1. The classification plan will be based on an analysis of job-related factors, and shall be utilized for decision making on compensation, selection, employee development, career advancement, upward mobility and other personnel program activities. The classification plan shall be periodically reviewed and updated, and the proliferation of "single person classifications" shall be avoided.

2. Classification actions which require an additional appropriation of funds and/or which represent a programmatic change in the work function of the unit shall require the specific approval of Council. Responsibility for all other classification actions, including routine revision of classification specifications, shall be deemed to be approved by Council and shall take effect according to the rules promulgated by the Director under this chapter.

D. EMPLOYEE DEVELOPMENT: Employees will be trained to the extent practicable as needed to facilitate high-quality performance. In addition to providing training intended to improve performance, training should be developed as needed to prepare employees for more responsible assignments and to implement affirmative action plans for equal employment opportunity. Training programs should include systematic methods for assessing training needs, providing training to meet priority needs, selecting personnel for training, and evaluating the training provided.

E. EMPLOYEE RIGHTS: Employees who have acquired permanent status shall not be subject to separation except for cause, or such reasons as curtailment of work or lack of funds. Rules shall be established to provide for the periodic and systematic evaluation of job-related work performance in relation to organizational standards. Rules will provide for the transfer, demotion or separation of employees whose performance continues to be inadequate after reasonable efforts have failed to correct such performance.

F. DISCIPLINARY ACTION: Disciplinary action against an employee within the classified service shall be taken by the appointing authority, bureau manager or appropriate supervisory authority delegated such responsibility upon findings of cause. Such discipline may include but is not limited to an oral reprimand, written reprimand, demotion, reduction in pay, suspension or discharge for cause as enumerated in this chapter.

G. PROHIBITED ACTIVITIES: Cause for disciplinary action shall include but not be limited to the following:

1. Insubordination, inefficiency, incompetency, inadequate performance or nonperformance of assigned duties.
2. Neglect of duty or negligence in performance of duty causing a substantial risk of personal injury or damage to property.
3. The use of intoxicants, or illegal use or possession of controlled substances on the job, or reporting for work under the influence of intoxicants, or the use of drugs which create a substantial risk of injury to self or others or which impair work performance.
4. Habitual or excessive absence or tardiness, or abuse of sick leave privileges.
5. Absence from duty without authorization or failure to notify ones supervisor when unable to report to work on time.
6. Conviction of a felony, or conviction of any crime where the conviction would impair effectiveness as a City employee or bring discredit or reproach upon the City or bureau involved.
7. Violation of safety rules or policies.
8. Violation of the provisions of federal or state law, or of the City Charter, ordinances or any City rules or regulations including Bureau-specific policies.
9. Discourteous treatment of the public or other employees, offensive conduct or conduct unbecoming a City employee.
10. Willful disobedience or failure to follow a lawful supervisory directive.
11. Misuse of City property.
12. Dishonesty.
13. Fraud in securing employment.

H. OUTSIDE EMPLOYMENT:

1. City employees shall not engage in outside employment which is incompatible or in conflict with or reflects discredit on City service.
2. City bureaus shall develop a written policy on outside employment activities, which take into account specific bureau requirements, and include as appropriate the following general principles. Outside employment shall not:
 - a. involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City; or
 - b. involve actions which may later be directly or indirectly subject to the control, inspection, review or audit by the City; or

c. involve receipt of money or other consideration for performance of duties while in the employ of the City; or

d. involve competing with the City in providing a service or product.

e. involve such time demands as would render performance of the employee's duties less efficient or take precedence over extra duty required by City employment.

3. Details of outside employment shall be reported to the employee's hiring manager.

I. NEPOTISM PROHIBITED:

1. It shall be a violation of this chapter for an employee or official responsible for personnel decisions to show favoritism in such decisions toward an applicant or employee because the applicant or employee is a member of the official's family. This subsection shall apply in the case of any family relatedness, of whatever kind or degree.

2. It shall be a violation of this chapter for an employee or official to do either of the following:

a. Hold a position which requires or which enables the employee or official to directly supervise a family member, or evaluate the work performance of a family member, or evaluate the application for employment of a family member, or adjust an employment relations grievance or complaint of a family member; or

b. Take any action with respect to an individual, which because of a family relationship, would violate a federal or state law or rule, or would violate conditions of eligibility for financial assistance from federal or state government.

3. For purposes of subsection (2)(a) and (b), "family member" shall mean the employee's wife, husband, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild as provided in ORS 659.340(3)(b).

4. In the event a violation of subsection (2) of this section results from the existence of a family relationship before and at the time of the enactment of this Chapter, the bureau involved shall take corrective action as soon as practicable through transfers or reorganization or other personnel actions.

4.01.040 **Authority of Personnel Director.**

A. The Personnel Director shall formulate, administer and monitor those personnel policies and programs which have City-wide application, including labor contract negotiations and administration, employee benefits and compensation plans. In addition, the Personnel Director shall coordinate and monitor personnel programs in City bureaus which have an impact on the City's overall personnel administration, such as equal employment opportunity, affirmative action and training. The Personnel Director shall establish objectives for the Bureau of Personnel Services in terms which are measurable and conducive to reliable evaluation, and develop a plan for accomplishing these objectives and carrying out the directions of the Personnel Bureau.

B. In accordance with Chapter 3.18 of the Code, the Personnel Director is authorized to settle disputes arising from employment relations grievances.

C. In accordance with Oregon law and administrative rule, the Personnel Director or his designee, on behalf of the Council, may enter

into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.

D. The Personnel Director may delegate to a Bureau Head, pursuant to a written Delegation Agreement, certain operational functions in the administration of routine personnel actions, such as examination or classification. The Personnel Director shall establish Rules to carry out this Section. The Director shall maintain responsibility for such operational functions, and shall therefore review, monitor, and reserve the right to suspend delegation of operational functions when it is determined by the Director to be in the best interests of the City's personnel administration program.

E. The Personnel Director shall establish such advisory committees as necessary to ensure the development of a comprehensive human resources system which is responsive to the needs of City Council, City managers and employees.

4.01.050 Duties of Personnel Director.

A. The Director shall direct and supervise all administrative and technical activities of the Bureau of Personnel Services;

B. The Director shall develop and adopt regulations for the personnel system and classified service which must be approved by the Council. The regulations must include provisions for:

1. Recruitment, examination, certification and appointment on the basis of applicants' relative ability, knowledge, and skills, including open competition and consideration of qualified applicants for initial appointment to entry-level positions;

2. Preparation, maintenance and revision as necessary of the classification plan for all classified positions. The Director shall provide for adequate notice of all classification actions, establish a procedure for input and an appeals process, and shall undertake periodic review of the classification plan;

3. Preparation and maintenance of an equitable and adequate pay plan and ranges, for each class, grade or group of positions in the classified service;

4. Development of a "management service plan" which must be approved by Council, which recognizes the role and responsibility of City managers, and provides standards for their recruitment, retention and motivation, including provision of tailored compensation and benefits programs;

5. Progression through the pay rate ranges based on merit and fitness;

6. Providing training where practicable as needed to promote high quality work performance;

7. Establishment of guidelines for development and periodic review of work performance standards for each class of positions;

8. Prescribing the extent to which performance evaluation ratings must be considered in transfers, demotions, promotions, dismissals, salary increases and decreases, and all other decisions relating to employees' status;

9. Provision for disciplinary guidelines for nonrepresented and supervisory personnel which follow the principles of progressive discipline, and take into account the gravity of the offense in determining the appropriate level of discipline;

10. Appeals to the Civil Service Board from decisions made by the Director, pursuant to Section 4-106 of the Charter;
11. Provision for fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, marital status, sexual orientation, age, handicap, or other nonmerit-based factors and with proper regard for their privacy and constitutional rights as citizens;
12. Notice to employees of their employment rights and prohibited practices.
13. a. Establishment and maintenance of a centralized personnel records system pursuant to federal and state laws and regulations.
 - b. Inclusion in the employee's personnel record at a minimum:
 - (1) employee's name;
 - (2) position title;
 - (3) salary;
 - (4) changes in employment status;
 - (5) other pertinent records as provided in the Rules pursuant to this chapter.

Chapter 4.02 DEFINITIONS

Sections:

4.02.010 Definitions

4.02.010 Definitions. As used in this Title and the Rules promulgated thereunder, except as the context requires otherwise, the following definitions apply:

1. AFFIRMATIVE ACTION: A set of specific, result-oriented procedures designed to identify attainable and measurable efforts for significantly increasing the utilization of minorities and females in all levels and classifications of employment in the work force. Also, a planned, coherent management program designed to effect changes to improve equal employment opportunities and to correct effects of past discrimination or to prevent discrimination.
2. APPLICANT: A person who has filed a timely application for a position.
3. APPEAL: A request for hearing which meets the requirements of this chapter and is filed with the Personnel Director.
4. APPOINTING AUTHORITY: The official or group of officials having authority to make appointment to positions in the City service.
5. APPOINTMENT: The designation by proper authority of a person to become an employee in a position.
6. BARGAINING UNIT: The unit designated to be appropriate as provided under the Public Employee Collective Bargaining Act for the purpose of collective bargaining.
7. BOARD: The Civil Service Board of the City of Portland, Oregon.
8. BUREAU: An administrative unit of City government.
9. CANDIDATE: A person whose application has been accepted for an examination.
10. CHARTER: The City Charter of Portland, Oregon as amended.
11. CITY: The City of Portland, Oregon.
12. CLASS or CLASSIFICATION: A position or group of positions in the City classified service sufficiently similar in duties,

responsibilities and authority to permit the same descriptive title, calling for similar qualifications and the same schedule of compensation.

13. CLASS SERIES: Two or more classes with duties substantially similar in kind but differing in level of difficulty, responsibility and supervision.

14. CLASS SPECIFICATION: The written description of a class containing the class number and title, statement of duties, functions, authority and responsibility, knowledge, skills and other qualifications required for appointment.

15. CLASS TITLE: The descriptive designation given to a class.

16. CLASSIFICATION PLAN: All the classes established under the provisions of the Charter and this chapter.

17. CLASSIFIED SERVICE: All City positions which are not specifically exempted under the Charter.

18. COUNCIL: The Mayor and Commissioners of the City.

19. DAY: One Calendar day.

20. DEMOTION: The change in status of an employee from a position in a higher class to a position in a class for which the maximum rate of pay is lower.

a. Involuntary demotion - the disciplinary demotion of an employee for cause.

b. Voluntary demotion - the demotion of an employee in order to retain employment upon imminent layoff, or for other nondisciplinary reasons.

21. DEPARTMENT: All the bureaus and offices under the administration of one elected official. This shall also include the division under the administration of the independent boards and commissions.

22. DIRECTOR: The Director of the Bureau of Personnel Services, to whom is delegated certain powers and duties under this chapter.

23. DISCRIMINATION COMPLAINT: A complaint that a personnel action was motivated by discrimination on the basis of race, color, religion, sex, age, marital status, national origin, family relationship, sexual orientation, handicap or political affiliation.

24. DISMISSAL: The removal or discharge of an employee from City employment.

25. ELIGIBLE: A person who has qualified through examination or other procedures as defined in the Rules to be certified for employment.

26. ELIGIBLE REGISTER: A list of persons who have been found eligible for employment in a particular class.

27. EQUAL EMPLOYMENT OPPORTUNITY: A directive that the hiring of persons into classified service shall be based solely on job related standards regardless of race, color, religion, age, sex, national origin, handicap, sexual orientation, marital status or political affiliation.

28. EXAMINATION: The overall process of testing, evaluating or investigating the fitness and qualifications of applicants. Examinations are of three categories:

a. Open Examination - An examination open to application by qualified employees and the general public.

b. Promotional Examination - An examination open to application by qualified employees in the classified service.

c. Noncompetitive Examination - An alternate selection process developed in accordance with Section 4-301(5) of the Charter.

29. EXCLUSIVE REPRESENTATIVE: The labor organization which, as a result of certification by the Employment Relations Board or recognition by the City, has the right to be the collective bargaining agent of all employees in an appropriate bargaining unit.

30. FULL-TIME POSITION: A position normally requiring the full services of an employee for at least nine-tenths of the normal working hours of a biweekly payroll period, or other work period established pursuant to FLSA, on a continuing basis.

31. JOB CATEGORY: One of the eight Federal Job Categories into which City classifications are grouped. Affirmative action goals are set in these categories:

Officials and Administrators	Paraprofessionals
Professionals	Office and Clerical
Technicians	Skilled Craft Workers
Protective Service Workers	Service/Maintenance

32. HIRING MANAGER: A City manager to whom authority has been delegated to make appointments in the classified service.

33. JOB SHARE: A full-time position designated by the appointing authority which is or may be shared by two employees.

34. LAY OFF: Separation without prejudice of a permanent employee from the classified service because of a lack of funds, curtailment of work, or other involuntary reasons.

35. LAYOFF REGISTER: A list of persons who have been laid off in a particular classification who are entitled to have their names certified for appointment to a position in that class.

36. MONTH: One calendar month.

37. NEPOTISM: Favoritism by an appointing authority or manager shown toward a subordinate employee or applicant because of a family relationship between two individuals.

38. PART-TIME POSITION: A position requiring the full services of an employee for at least half but less than nine-tenths of the normal working hours of a biweekly payroll period, or other work period as established pursuant to FLSA, on a continuing basis.

39. PERMANENT EMPLOYEE: An employee who has satisfactorily completed probation and is employed in either a full-time or part-time position.

40. PERSONNEL ACTION: Any action taken on behalf of the City with reference to an employee, an applicant for the classified service or a classified position.

41. PERSONNEL RULES: The Rules promulgated by the Director in order to implement and maintain the provisions of this chapter.

42. POSITION: A group of current duties and responsibilities assigned by an appointing authority, requiring the services of one person on either a full-time or part-time basis.

43. PROBATION: A working trial period for a stated term during which the employee is evaluated for fitness in the actual performance of the duties of the position.

44. PROHIBITED DISCRIMINATION: Discrimination based upon race, color, national origin, sex, religion, age, marital status, or handicap of an individual or class of individuals; family relationship, or handicap of any other person or class of persons with whom an individual associates; or discrimination because an individual has opposed prohibited (unlawful) discrimination, filed a discrimination complaint, testified, assisted or participated in any manner in any proceeding regarding prohibited

ORDINANCE No.

(unlawful) discrimination or has attempted to do so.

45. PROMOTION: A change in status of an employee from a position in a lower class to a position in a class for which the maximum rate of pay is higher.

46. RECALL: The reemployment of a former employee who was laid off due to lack of funds, curtailment of work or other involuntary reasons.

47. RECLASSIFICATION: The assignment of an existing position from one class to another class, based upon significant changes in the kind, difficulty and/or responsibility of duties.

48. REINSTATEMENT: The reappointment of a former City employee, who has voluntarily separated from City service, to a previously-held classification.

49. RESIGNATION: The voluntary action of an employee which separates the employee from the City service.

50. SEPARATION: Termination of employment for any reason. Reasons for termination include discharge, layoff, resignation, retirement and death.

51. STATUS: The standing of an employee with respect to right and tenure. The types of status are:

a. Permanent - An employee who has been retained in a position after satisfactory completion of probation as provided in the Rules.

b. Probationary - An employee who has been certified and appointed but who has not yet completed probation provided herein.

52. SUSPENSION: An involuntary absence with or without pay imposed by an appointing authority for disciplinary purposes or during the investigation of a disciplinary matter.

53. TEMPORARY EMPLOYEE: An employee who possesses the minimum qualifications established for the class and who has been temporarily appointed to fill a position for which no eligibles are currently available.

54. TRANSFER: Reassignment of an employee in one position to another within the same classification.

55. UNCLASSIFIED POSITIONS: Those positions which are exempt from classified service as designated in the Charter.

56. UNDERUTILIZATION: Having fewer minorities or women in a particular job category than would reasonably be expected given their presence in the relevant labor force.

57. VACANCIES: A budgeted position which has been declared by the appointing authority to be vacant and authorized to be filled.

58. VETERAN'S PREFERENCE POINTS: For purposes of veteran's preference points, a veteran is as designated in ORS 408.225

Section 2. The Council declares that an emergency exists in order to provide the Personnel Director with a policy direction for the rules to be drafted and proposed by the Personnel Director for Council adoption effective July 1, 1987; therefore, this ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council.

Commissioner Blumenauer
John E. Woods (0563G/d7-17)
April 29, 1987

BARBARA CLARK
Auditor of the City of Portland
By

Deputy



CITY OF

PORTLAND, OREGON

Office of
Commissioner Earl Blumenauer

May 4, 1987

DATE:

Mayor Clark

TO:

Commissioner Bogle
Commissioner Koch
Commissioner Lindberg

FROM:

Earl Blumenauer *Earl*

SUBJECT: Personnel-Civil Service Reform Ordinance

MAY 5 1987

Attached is a memorandum from the Bureau of Personnel Services describing an ordinance to be heard Thursday, May 7. The ordinance represents the first step in implementing the July 1, 1987, merger of functions now performed by Personnel and the Civil Service Board, as called for in last November's charter amendment.

In its February retreat, the City Council established five "top priority" goals for the coming year. The Council also agreed to track its progress toward achieving those goals.

It is appropriate that I report to you the ways in which this ordinance advances the Council's goals.

The primary purpose of the ordinance is to achieve the fourth of the Council's goals, "Enhance City Productivity". Indeed, in adopting this goal, the council listed as one of implementation steps the completion of the Personnel-Civil Service reorganization.

The ordinance (and rules adopted under it, which will be before the Council the first week of June) is intended to help increase management efficiency and employee productivity. Managers will be given greater flexibility in employee selection and classification. The ordinance establishes principles for the reform of the City's compensation plan, in order to promote internal equity and provide greater employee motivation. The ordinance also directs Personnel to refine the compensation and benefits program for the City's "management service", to help the City retain and develop its key management personnel. Finally, improvements in selection and classification procedures will speed personnel decision making and thereby enhance overall productivity.

The Civil Service-Personnel merger also helps advance Council Goal number 2, "Financial Stability for the City", for many of the same reasons. The enhanced employee productivity and management efficiency which are the primary objectives of the ordinance will aid the City's financial outlook by helping stabilize the cost of providing services.

Also attached is a chronology of the steps undertaken by the Personnel Bureau since passage of the Charter amendment to implement this reform.



CITY OF
PORTLAND, OREGON
BUREAU OF PERSONNEL SERVICES

John E. Woods
Personnel Director
1220 S.W. Fifth Ave.
Portland, Oregon 97204
(503) 248-4157

May 1, 1987

TO: Bob Stacey, Commissioner's Assistant
Commissioner Blumenauer's Office

FROM: Melinda Petersen, Personnel Analyst *Melinda Petersen*
Bureau of Personnel Services

SUBJECT: Chronology of Development of Personnel Ordinance

As you requested, the following is a chronology of the development of the completed Personnel Ordinance:

- 1986: November: - Passage of Measure 51
December: - Establishment of internal transition team*.
- Transition Team sets weekly meetings.
- 1987: Jan/Feb/ - Establishment of "Mission Statement" and
March: Bureau goals.
- Development of Ordinance and Rules language.
March: - Review of team's Ordinance draft by City
Attorney's Office.
April: - Establishment of Personnel Advisory Committee
(PAC).
- Meetings with PAC (4/16; 4/22; 4/27).
- Meetings with Unions -- PPA, FFA, COPPEEA
(4/24)
- Finalization via PAC of Ordinance draft.
- Ordinance filed with Council.
- Week of May 4: - PAC to begin review of Rules. (Target date
for Rules completion and review by all
parties for filing with Council: May 27.)

*John Woods, Bruce Mulligan, Harvey McGowan, Karen Alvarado,
David Shaff, Melinda Petersen, Pam Bennett.

0577G/MGP:kcb
dlt 7-1



CITY OF

PORTLAND, OREGON

BUREAU OF PERSONNEL SERVICES

John E. Woods
Personnel Director
1220 S.W. Fifth Ave.
Portland, Oregon 97204
(503) 248-4157

April 29, 1987

TO: Commissioner Earl Blumenauer
Department of Public Works

THROUGH: John E. Woods, Director *John E. Woods*
Bureau of Personnel Services

FROM: Melinda Petersen, Personnel Analyst III *Melinda Petersen*
Bureau of Personnel Services

SUBJECT: Briefing Memorandum on Personnel Reform Ordinance

Last November, the electorate passed a measure which mandated reform of the City's personnel system effective July 1, 1987.

The major impact of the measure was to transfer personnel administration functions from the Civil Service Board to the Bureau of Personnel. The charter amendment leaves to the City Council the role of defining the City's policies under the new comprehensive system.

The attached amendments to Title 4 of the Code, developed by the Bureau of Personnel Services, provides the policy framework for the new system, from which personnel rules are to be drafted prior to July 1.

Personnel rules will be promulgated under the Ordinance provisions which are adopted by Council, to implement those provisions. As with the Ordinance, the Rules will be brought before the Personnel Advisory Committee, union representatives and other interested parties for their review, prior to their presentation to Council.

A number of significant personnel issues in need of policy definition and clarification were identified in the process of developing the Ordinance. Therefore, the language was developed consistent with the Personnel Bureau's commitment to a "service orientation," as identified in their Mission Statement (attachment A). Additionally, the underlying basis for the provisions are consistent with the objectives of progressive personnel administration, as identified in the "Key Results" statements developed by the Bureau (attachment B).

Commissioner Blumenauer
April 29, 1987
Page two

In the coming weeks, the Personnel Bureau will bring to the City Council a number of pending personnel issues which bear relationship to the attached Ordinance, but which will require separate action. Some will be placed before Council for appropriate action prior to July 1. Others are longer-range issues which will require development within the coming fiscal year.

To accomplish the objectives identified in the Key Results statements and to address upcoming personnel issues, a "roadmap" which delineates the timeframe of pending issues is included for your review (attachment C).

You will note that Section 4.01.040(E) of the proposed Ordinance authorizes the Personnel Director to establish advisory committees as needed. In anticipation of the passage of the Ordinance, John Woods appointed the Personnel Advisory Committee last month, to ensure that the policy recommendations in the Ordinance would reflect the concerns and objectives of City managers. The Personnel Bureau is grateful to the newly formed Personnel Advisory Committee, which provided guidance and recommendations from a City-wide management perspective. A list of members and their alternates is attached (Attachment D).

The initial drafts of the proposed Ordinance have been shared with the Police, Fire and COPPEEA union representatives, the Civil Service Board, and the City Attorney's Office. DCTU is scheduled to meet with the Personnel Bureau on this matter Friday, May 1. Changes approved by the Personnel Advisory Committee have been incorporated into the final attached draft.

0572G/EB:vt
dlt 5/28

ATTACHMENT A

MISSION STATEMENT AND VALUES OF THE BUREAU OF PERSONNEL SERVICES

Mission Statement: To implement the principles of a comprehensive and progressive personnel system as directed by the electorate and Council.

Operational Philosophy: We recognize our role in developing a credible organization which provides affirmative, consistent and timely personnel services to recipients, and which carries out the goals of excellence in management as directed by City Council.

We commit our resources and support to these values:

- priority of service delivery over matters of process and control
- services which provide guidance, advice, new ideas and innovative solutions
- coordination of personnel service delivery
- policies which reflect organizational values
- practices which reflect established policies
- anticipation of needs, and long-range planning
- management involvement and responsibility
- enhanced organizational activity based upon bureau needs
- professional growth and training opportunities
- fair treatment of employees
- recognition of the legitimate role of collective bargaining
- cooperation and respectful labor/management relations
- channels for communication
- responsiveness, adaptability, creativity, credibility
- high performance and self-motivation
- accountability for actions
- clearly communicated standards and goals
- efficient use of time and resources

(0544G-8/dlt 5-23)

ATTACHMENT B

KEY RESULTS

Selection, Motivation and Retention

The effectiveness of a selection and retention process is measured by the degree to which it:

1. Sets and achieves affirmative action goals;
2. Uses a consistent selection process based upon established job standards;
3. Selects employees who are qualified for the work for which they are being hired;
4. Hires and continues to develop and motivate productive employees;
5. Helps employees grow with the organization;
6. Selects employees oriented to the community, the organization, its values and to the work place;
7. Informs and orients employees to the organization's expectations and goals;
8. Informs employees as to what is expected of them in their work assignments;
9. Gives constructive feedback to employees about their performance against established standards and work expectations;
10. Creates a work atmosphere that recognizes and rewards good service, achievement and excellence;
11. Provides employees with opportunities to learn skills necessary to meet the changing needs of the organization.

Classification, Compensation and Benefits

The effectiveness of classification and total compensation systems is measured by the degree to which they:

1. Have a clear and well understood policy foundation;
2. Base salary and benefit decisions on market information, internal equity and the organization's financial condition (ability to pay);
3. Have a job classification system that is simple, understood, and flexible;
4. Have a job classification system that responds timely to changes in job content;

5. Have employee benefits designed to:
 - meet employee needs
 - protect against catastrophic loss
 - support wellness
 - support recovery from illness/injury
 - gain maximum return for limited benefit dollars
6. Foster in employees an individual and collective responsibility for cost-effective benefit use;
7. Resolve conflicts arising from compensation decisions internally in a professional and respectful manner.
8. Recognize the legitimate role of collective bargaining in determining compensation and benefits for represented employees.

Management Service and Skills

The effectiveness of an organization's management program can be measured by the degree to which it:

1. Clearly defines the roles and responsibilities of supervisors;
2. Encourages supervisors to support management decisions, and supports supervisory actions;
3. Recognizes and appreciates the vital role of the first line supervisor as the direct link between management and the employee;
4. Expects all levels of management to have sound employee relations skills and to be models of leadership and supervisory capability;
5. Involves supervisors in defining their training needs;
6. Involves supervisors in identifying and providing needed training to subordinates;
7. Trains supervisors in their roles concerning human resources, fiscal leadership and the work unit;
8. Measures supervisory performance against established standards and organizational expectations;
9. Considers supervisory performance in making compensation decisions.

ATTACHMENT C

Current and Upcoming Personnel Policy Issues

<u>Issue</u>	<u>Target Completion Date</u>
Reform Ordinance Provisions to Council	April 29
Personnel Rules to Council	June 1
"Clean-up" and Update of Current Title 4 provisions	July 1
Pay Equity Decision for Nonrepresented Personnel	June 15 (decision reached)
Benefits	
- 1988 Beneflex Plan	Fall
- 1987 Fund Report	July 1
Affirmative Action Plan	August 1
Establishment of:	
- Management Bargaining Teams (1988)	Summer 1987
- Annual Salary Survey	Summer 1987
Management Service Program	Development FY 1987/88
Performance Appraisal System	Development FY 1987/88
Policies in Development Through Risk Management:	
- Employee Assistance Policy	June 1
- Return to Work Policy	June 1
- Safe Drivers Policy (and classified licenses)	July 1
- Hazard Communications Policy	September 1
- Drugs in Work Place Policy	Development FY 1987/88

ADDITIONAL NOTE: In meetings with the Personnel Advisory Committee, discussion arose concerning the role of the Office of Fiscal Administration in classification actions which represent a programmatic change. The Committee reached consensus that this issue should be addressed by Council via a separate forum, and not via the Personnel Ordinance.

ATTACHMENT D

PERSONNEL ADVISORY COMMITTEE

Members

Susy Wagner, Risk Management (Chairperson)
Cleve Williams, Park Bureau (alternate Chair)
Steve Bauer, Office of Fiscal Administration
Lynn Davis, Fire Bureau
Dan Noelle, Police Bureau
Mary Nolan, Bureau of Maintenance
Ed Tenny, Water Bureau
Rudy Westerband, City Attorney's Office

Alternates

Michelle Harper (Park Bureau)
Jean Talley (Maintenance Bureau)
John Hoffman (Risk Management)
Jeanne McCormick (Water Bureau)
George Monogue (Fire Bureau)

Staff

John E. Woods, Personnel Director
Bruce Mulligan, Employee Relations Officer
Harvey E. McGowan, Secretary, Civil Service Board
Melinda Petersen, Personnel Analyst III

(0550G/1)
dlt 6-6

PERSONNEL POLICY ORDINANCE

A recently completed report by Clark Worth of Barney and Worth concerning the operations of the Personnel Bureau, emphasizes the need for clarification of the Personnel Bureau's mission and goals, and the need for a "clear policy direction" by Council to the Bureau.

The Personnel Bureau has been working to redefine its mission and goals as "service-based." Additionally, a number of areas in need of policy development which were pinpointed by last year's civil service reform task force, by Personnel staff members, and by members of the newly formed Personnel Advisory Committee, have been placed in the Personnel Policy Ordinance. The current transition process of Personnel, and the requirements for redesign of systems arising thereunder, require attention to these areas in revision of the current system.

The Personnel Ordinance before Council will attempt to lay the foundation for policy development, and for the redesign of some key personnel function areas. The shift in focus from a reactive to a proactive system is strongly recommended as the appropriate environment for reform.

The Ordinance has been reviewed by most of the City's unions, by the Civil Service Board, the City Attorney's Office, and the Personnel Advisory Committee. The Committee represents the City's bureau managers, and the finalization of the following policies was a product of their input and recommendations.

KEY ISSUES IN ORDINANCE

An important factor in review of this section is the interrelationship of all key issues, and their collective impact on the objectives of a progressive system of human resources management for the City of Portland.

Recruitment and Selection

The proposed Ordinance and Rules will reaffirm the City's commitment to affirmative action, and provide channels for bureaus to increase utilization of protected groups. There will also be a primary focus, in both the Selection and Classification sections of the Rules, on the need for increased management flexibility in utilization of personnel resources.

Compensation

The lack of a clearly defined compensation policy also plays a role in classification and selection processes. The criteria upon which the City's compensation policy should be based are in need of clear definition to achieve internal equity, to stay competitive in the labor market, and to retain and motivate employees to be as productive as possible.

Development of a comprehensive compensation and benefits plan is a significant policy issue. A successful plan is tied to management goals, and will form the basis of human resource planning and utilization. In practical terms, an effective compensation program provides the basis for all policies and practices concerning recruitment, selection and utilization of personnel.

The proposed Ordinance on Compensation will provide a "policy" statement, which will be delineated further in the Rules. It is crucial that the Personnel Bureau receive a directive from Council as to its compensation philosophy. Also, the systemization of the compensation plan through development of compensation ranges needs support from the management of the City. This is an area which has an impact on selection and retention processes.

Classification

There is general consensus among City managers of a need to move to a more "broad-based" classification system, to correct the unnecessary proliferation of one-person classifications. Although narrow classifications may serve the purpose of specifically defining a specialty area for a focused recruiting effort, a broader, skills-based approach is needed to decrease examination activity, decrease selection turn-around time, and increase management flexibility in the direction of its work force.

The new Charter and proposed Ordinance lay the foundation for systematic review and update of the classification system. Also, built into the proposed Rules will be provisions to expedite classification actions and to cut down on those classification activities which are symptoms of problems in need of real solutions, such as the need for broader salary ranges, and the possible need to restrict bumping rights to the bureau in which the layoff occurred. Such issues will be addressed in appropriate sections throughout the Rules.

Employee Development and Employee Rights

The proposed Ordinance and Rules will reaffirm the City's commitment to training employees to meet performance standards, to prepare employees for career advancement, and to meet affirmative action goals.

Employee Rights are reaffirmed in the Ordinance, with an emphasis on the establishment of a job-related performance evaluation program.

Disciplinary Action

The Ordinance states management's right and responsibility to discipline employees for cause. The Rules will also propose an appeals process for nonrepresented personnel for those matters which do not come under the protection of the Civil Service Board. The intent of the provisions is to provide a standardized and orderly means of resolution of disputes at the earliest stage possible.

Prohibited Activities and Outside Employment

The Ordinance states expected standards of performance of all City employees. Guidelines for outside employment restrictions are included, with the provision for each City bureau to develop its own specific policy based upon operational needs.

Nepotism Prohibition

The Ordinance language prohibits favoritism in personnel decisions based upon family affiliation. The language also follows State prohibitions against the direct supervision of one employee by another family member, and provides a reasonable time frame for compliance concerning existing situations.

Management Service

One of the transition issues which is before Council, related to the need for development of a compensation policy, is that of a "management service" plan which outlines compensation and benefits designed specifically for those nonrepresented personnel who perform managerial, supervisory or professional services.

In vesting City managers with responsibility for personnel decisions and actions, it is crucial that the City retain and develop its key management personnel, and base successful recruitment for future appointments on the goals of excellence in human resource development.

A management service plan which views utilization of executive resources in terms of management objectives is needed in the City. It is in the public interest of the City to attract, retain and motivate qualified management and other nonrepresented employees.

To this end the proposed Ordinance would authorize the Bureau of Personnel to develop a specialized management service system of compensation and benefits. It is crucial that in doing so a "total compensation" perspective and approach be adopted.

The need for a management service plan highlights the primary need for a comprehensive compensation philosophy and policy in the City. The foundation underlying such a system should be the values identified by Council as meaningful factors upon which to base compensation. Once identified, a systematic review of performance against these objectives is needed in order to measure success. A good management plan would incorporate the provision of motivational performance incentives, based upon City goals and objectives, and would pave the way for a City-wide performance evaluation process.

Performance Evaluation and Productivity

In achieving City goals and objectives, an important factor for consideration is not how much an employee is compensated but whether there exists the creation and maintenance of a supportive climate that motivates employees to achieve a desired level of performance.

A successful performance evaluation system links training, development and career paths to organizational, long-term human resource needs. A well-planned system helps to predict personnel needs and to diagnose strengths and weaknesses in utilization of human resources, and to plan for a future remedial course of action.

Personnel specialists may develop procedures and methods for work performance evaluation, but managers need to be directly involved in planning and implementation stages. A strategic decision to train all supervisory personnel in appropriate evaluation techniques is important. The operational decision is in determination of content of training and insurance of delivery.

As with development of a compensation policy, performance evaluation, which is one out-growth of compensation policy, should have as its purpose to meet organizational goals as determined by Council. Performance appraisals should therefore be developed inasmuch as possible for both evaluation and development purposes.

Currently several City bureaus have developed or are in the process of developing performance evaluation systems. The Management Review Committee has recommended a City-wide plan for all personnel which links performance to incentives. It is conceivable that development of a "merit-based" program for nonrepresented personnel could pave the way for discussion of the concept with represented personnel.

The commitment of City managers to development of a City-wide performance evaluation system is needed before this topic can be pursued. We recommend the establishment of a team of management representatives to work with the Personnel Bureau in development of such a process. Also, outside expertise should be obtained to assist the Personnel Bureau in this process.

Other Personnel Issues

There is also currently a need to propose Title 4 "cleanup" language, some of which is outdated. Also, some language needs clarification, specifically provisions pertaining to overtime and sick leave.

In the coming weeks, the Personnel Bureau will bring to the City Council a number of pending personnel issues which bear relationship to the attached Ordinance, but which will require separate action. Some will be placed before Council for appropriate action prior to July 1. Others are longer-range issues which will require development within the coming fiscal year.

To accomplish the objectives identified in the Key Results statements and to address upcoming personnel issues, a "roadmap" which delineates the time frame of pending issues is included for your review.

(0544G/d5-23)
Attachments

Current and Upcoming Personnel Policy Issues

<u>Issue</u>	<u>Target Completion Date</u>
Reform Ordinance Provisions to Council	April 29
Personnel Rules to Council	June 1
"Clean-up" and Update of Current Title 4 provisions	July 1
Pay Equity Decision for Nonrepresented Personnel	June 15 (decision reached)
Benefits	
- 1988 Beneflex Plan	Fall
- 1987 Fund Report	July 1
Affirmative Action Plan	August 1
Establishment of:	
- Management Bargaining Teams (1988)	Summer 1987
- Annual Salary Survey	Summer 1987
Management Service Program	Development FY 1987/88
Performance Appraisal System	Development FY 1987/88
Policies in Development Through Risk Management:	
- Employee Assistance Policy	June 1
- Return to Work Policy	June 1
- Safe Drivers Policy (and classified licenses)	July 1
- Hazard Communications Policy	September 1
- Drugs in Work Place Policy	Development FY 1987/88

ADDITIONAL NOTE: In meetings with the Personnel Advisory Committee, discussion arose concerning the role of the Office of Fiscal Administration in classification actions which represent a programmatic change. The Committee reached consensus that this issue should be addressed by Council via a separate forum, and not via the Personnel Ordinance.

0565G/1/MGP:kc
dlt 5-21



CITY OF

PORTLAND, OREGON

OFFICE OF PUBLIC AFFAIRS

Mike Lindberg, Commissioner
1220 S.W. Fifth Ave.
Portland, OR 97204
(503) 248-4145

May 29, 1987

Mr. Drew Davis
c/o Tupperware
2136 N. E. 194th
Portland, OR 97230

Dear Drew:

Rather than give you a call back, I thought I'd let you know in a letter that I'm not in favor of scheduling a City Council hearing on the personnel ordinance.

I recently received a copy of a letter from Earl Blumenauer to you and frankly I agree with his conclusions about this matter.

Give me a call at 248-4145 if I can provide further information.

Sincerely,

MIKE LINDBERG
Commissioner
Office of Public Affairs

MDL:mg

Attachment



CITY OF

PORTLAND, OREGON

DEPARTMENT OF PUBLIC WORKS

Earl Blumenauer, Commissioner
1220 S.W. 5th, 4th Floor
Portland, OR 97204
(503) 248-5577

May 26, 1987

MAY 28 1987

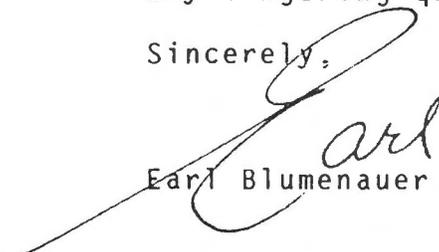
Dear Drew:

I tried to return your phone call this afternoon, but you were out of the office. Your question, as I understand it, is whether I am interested in scheduling another hearing on the personnel ordinance. My answer is no. My reasons are:

- a) The existing policy has been in place since 1974. To the best of my knowledge I have received no complaints about it during my campaign for City Council or in the more than a year since I was elected.
- b) No one on the City Council has expressed any interest in changing the existing policy, so further hearings would not be the most productive use of our time.
- c) The City Council is occupied with major issues that are current and pressing, like budgets and land use issues, as well as day-to-day ongoing business.

I am sending this letter because I have an exceedingly tight schedule in the next several days and I did not want there to be any lingering questions about my position.

Sincerely,


Earl Blumenauer

Mr. Drew Davis
c/o Tupperware
2136 NE 194th
Portland, OR 97230

cc: City Council




CITY OF
PORTLAND, OREGON

OFFICE OF PUBLIC AFFAIRS

Mike Lindberg, Commissioner
1220 S.W. Fifth Ave.
Portland, OR 97204
(503) 248-4145

August 10, 1987

Mr. Bob Witeck
Director of Communications
Senator Bob Packwood's Office
Senate Office Building
259 Russell
Washington, D.C. 20510

Dear Mr. Witeck:

I wanted to offer my personal thanks for your assistance in tracking down information regarding statements by Joe Lutz that dealt with gay and lesbian citizens.

As you know, Mr. Lutz appeared before City Council in May, 1987, to oppose the City's adoption of ordinance language that included references to non-discrimination based on sexual orientation. This protection had been policy since 1974, when the City Council passed similar language through a resolution. A petition was filed on July 24, 1987, by Drew Davis with the goal of placing the issue before the voters in November, 1988, if the required 23,719 signatures of registered voters is gathered by July 1, 1988. I am confident that, if the signatures are gathered, the voters will continue this policy that is both morally and economically sound.

Thank you again for your assistance, and please offer my warmest regards to Senator Packwood. If my office can be of assistance, don't hesitate to call.

Sincerely,

MIKE LINDBERG
Commissioner
Office of Public Affairs

MDL:klb

Lindberg

Fred Kopatich
2918 S.E. 35th Avenue
Portland OR 97202

AUG 6 1987

Portland City Council
1120 S.W. Fifth Avenue
Portland OR 97204

August 1, 1987

Dear Mayor Clark and City Commissioners,

I am writing to express my heartfelt appreciation for your passage of the neighborhood association ordinance. Once again, an extremely small but disproportionately vocal group has attempted to divide you and the citizens of Portland over the inclusion of language barring discrimination on the basis of sexual orientation. Your unanimous votes on the ordinance demonstrate that the bigotry expressed by this tiny group has little support in this city.

I urge you to continue your strong stand in favor of fair treatment for all of our city's residents. Refusing the services of anyone on the basis of his or her sexual orientation denies all of us the valuable contributions of some of our best citizens. Unfortunately, groups such as the mis-named "Concerned Citizens of Portland" seek to make this city second-rate by denying our gay residents the rights of citizenship the rest of us take for granted. Portland cannot afford to make the morality of Drew Davis and his few supporters the City's policy. Bigotry, directed against anyone, has no place in Portland.

Very truly yours,

Fred Kopatich
Fred Kopatich

Steven A. Fulmer
2411 SE Salmon St.
Portland, OR 97214-3945

AUG 3 1987
Commissioner Mike Lindberg
City Hall
1220 SW 5th Ave.
Portland, OR 97204

31 July 1987

Dear Commissioner Lindberg,

Thank you for taking a courageous and sensible stand regarding the protection of gay and lesbian employees from non-performance-related discrimination. Perhaps one day performance will be the only criteria for employment decisions. If we ever achieve that goal, it will be because such an approach was shown to work by many government entities and private employers.

It is also my belief that your leadership, and that of the other supportive council members, will contribute toward uniting Portland citizens in the fight against HIV (AIDS). We can hardly expect cooperation from our citizens at highest risk, or provide support to them, unless we treat them with respect, and guarantee their equal rights in the face of cruel ignorance and fear. Short of the virus itself, AFRAIDS (the irrational fear of AIDS) and homophobia are the principal obstacles in a successful response to this growing epidemic.

Guaranteeing basic human liberties is always timely in a pluralistic democracy. Given the health threats of this decade, your leadership in this area is particularly meaningful and serves the basic interests of all Portlanders in both the short and long terms.

Sincerely,



Steven A. Fulmer

Mrs. Thelma L. Graul
43712 S.E. Troutcreek Rd
Corbett, Oregon 97019

1237
KL

* Commissioner Mike Lindberg
City Hall Room 414
1220 SW 5th Ave
Portland, OR 97204



JUL 1 1987

June 29, 1987

Dear Commissioner Lindberg:

I am writing in response to Ordinance #159639 which protects homosexuals as a special minority group under the Constitution. The facts about the AIDS epidemic are sobering enough, but this Ordinance is an immediate threat to Oregon's fight against this deadly disease!

This ordinance prevents public health officials from treating AIDS as the extremely communicable and dangerous disease it is! Infected homosexuals, and practicing homosexuals working as foodhandlers, dentists, doctors, teacher, etc. cannot be singled out for testing because of the "protection" of this anti-discrimination Ordinance! The AIDS epidemic will be protected by our Oregon law! Gays already have equal protection under the law---they don't need or deserve "special rights"! Under this Ordinance, MY civil rights and health, and that of the rest of the uninfected population are in jeopardy! The lives of my family, friends and loved ones are being threatened as never before. I am appalled and angered that so many officials continue to support a purposeful campaign of DISINFORMATION about AIDS! Especially, now when so much more information is available. Do you think the general populace is too stupid to see the danger? AIDS victims should not work as dental or medical technicians and should NOT be employed as food handlers or as teachers. We isolate people with other communicable diseases that are far less devastating than AIDS.

As a public official, I strongly insist that you treat AIDS as the deadly plague it is and take steps to identify infected AIDS victims and separate them from the rest of society. Also, you should be working with all diligence insisting that public health officials perform their duty in the face of a national health crisis and enforce all sanitary measures necessary to prevent the increasing spread of this disease into the entire healthy population of Oregon. There has been too many innocent people infected with this disease already.

I am opposed to any bill or ordinance that might try to protect certain people, such as, homosexuals, from being tested for this disease. When the Center for Disease Control, suggested AIDS testing for couples applying for marriage licenses and anyone else seeking medical care for pregnancy or for sexually transmitted diseases, there was an immediate chorus of protest from civil-rights and homosexual-advocacy groups, whose militant resistance to reasonable testing is furthering the spread of this plague.

I don't want to see Oregon become so obsessed with the "civil rights" issue that we make the same mistake as California, where if an AIDS patient is admitted to a hospital, members of the staff can be found criminally liable just for informing other doctors or nurses of the patient's disease! Unless they obtain the patient's consent, the diagnosis can't even be entered on the medical chart! What about the safety of those working in the hospitals or other patients? Isn't their safety as much or more important than perhaps possible embarrassment of the AIDS patient? The whole issue is beginning to sound more and more like our

criminal justice system, where the criminal is coddled and the victim suffers! The AIDS epidemic is far more important to the population as a dangerous disease, rather than a civil rights issue. For that matter, if it's a civil rights issue at all, it should be the uninfected population that should be protected! It's time people got their priorities in perspective! We can't cater to a minority group when this disease threatens the entire population! It's past time for politics and time for action.

Even though you may not agree with my oppinions, I trust you will count my views and represent my wishes, and begin now, to do more to affect legislation in this area that will protect the innocent majority.

Just for the record, so you don't assume I am a radical, crack-pot. I am a young women who is happily married, with several children. I am actively engaged in my church, community, and school. I realize the heart-ache that would go along with separation of loved ones. But I am also realistic enough to be aware of the terrible impact of letting this disease run rampant.

Very Sincerely,

Mrs. Thelma L. Graul

Mrs. Thelma L. Graul



June, 1987

Ann M. Shepherd, Editor

P.O. Box 230266
Portland, Oregon 97223

"There are some people who think the city should spend taxpayer dollars snooping on its employes. . . My belief is that Portlanders don't want any form of discrimination. My hope is that they would refuse to sign any initiative petitions to support this effort."

Portland City Commissioner Mike Lindberg

INTRODUCING--CAPT. ROBERTA WEBBER, new commander, Central Precinct, Portland Police Bureau, and police liaison to the Gay/Lesbian community, replacing Capt. Tom Potter, currently commanding North Precinct. Capt. Webber will speak briefly at our 7:30 p.m. meeting Wednesday, June 24, still in the ambiance of the 14th floor meeting room in the Justice Center, 1111 S.W. 2nd Ave. Preceding Capt. Webber's talk will be the Annual Meeting, featuring election of officers. The Nominating Committee, Chuck Knapp, Chair, with Norma Walters and Jim Deitz, announces the following slate:

President, Marge Work

Vice President, to be drafted ASAP

Secretary, Marge O'Shea

Treasurer, Gladys Deitz (continuing)

New Director, Allan Warrior

Holdover Directors, Irene Herkenhoff and Jeff Wise

Any member wishing to nominate an individual from the floor must:

(a) be aware that all officers must have had a gay child, and (b) have permission from the nominee to present his/her name.

HEREWITH, the required published notice of the annual meeting:

NOTICE is hereby given that the annual meeting of members of Portland Parents and Friends of Lesbians and Gay Men, Inc., an Oregon corporation, will be held at the hour of 7:30 p.m. on the 24th day of June, 1987, in the Portland Justice Center, 1111 S.W. Second Ave., Portland, Oregon. At that meeting, an election of the officers and directors of the corporation will be held and there will be conducted such other business as may properly come before the meeting.


Ann M. Shepherd, Secretary

GAY PRIDE DAY, June 20, again finds Chuck Knapp coordinating P/FLAG's participation--setting up and helping staff the newly-canopied booth with Jeff Wise, and carrying the banner in the parade. ALL P/FLAG members are urged to gather in the North Park Blocks around 11:00 a.m., to march in the parade to Tom McCall Waterfront Park, to help give out information on our Parents' group, to join the fun and the excitement with our Lesbian and Gay offspring, and truly to realize this year's theme, PROUD, STRONG, UNITED! In addition to the large P/FLAG banner which debuted at Gay Pride 1986 and later at the convention, marchers this year will carry light plastic signs, emblazoned with P/FLAG slogans, thanks to Bill MacDonald!

Steven A. Fulmer
2411 SE Salmon St.
Portland, OR 97214-3945

AUG 3 1987

Mayor Bud Clark
1220 SW 5th
City Hall
Portland, OR 97204

31 July 1987

Dear Mayor Clark,

Thank you for taking a courageous and sensible stand regarding the protection of gay and lesbian employees from non-performance-related discrimination. Perhaps one day performance will be the only criteria for employment decisions. If we ever achieve that goal, it will be because such an approach was shown to work by many government entities and private employers.

It is also my belief that your leadership, and that of the other supportive council members, will contribute toward uniting Portland citizens in the fight against HIV (AIDS). We can hardly expect cooperation from our citizens at highest risk, or provide support to them, unless we treat them with respect, and guarantee their equal rights in the face of cruel ignorance and fear. Short of the virus itself, AFRAIDS (the irrational fear of AIDS) and homophobia are the principal obstacles in a successful response to this growing epidemic.

Guaranteeing basic human liberties is always timely in a pluralistic democracy. Given the health threats of this decade, your leadership in this area is particularly meaningful and serves the basic interests of all Portlanders in both the short and long terms.

Sincerely,



Steven A. Fulmer

P.S. - If Robert Dunn, who worked so hard on your election campaign, were still living, he would be even prouder of you now than he was then. I do not presume to represent him, even though we were close, but I know how he felt about many issues and am certain that your decisions would have brought him great joy and satisfaction.

xcc: keston



1104
KL
Ann M. Shepherd, Secretary
Portland Parents/FLAG
2538 S.W. Hamilton St.
Portland, OR 97201

JUN 16 1987

Mayor Bud Clark
Portland City Hall
1220 S.W. Fifth Ave.
Portland, OR 97204

13 June 1987

Dear Mayor Clark:

Thank you for your vigorous stand to retain the recent Portland municipal ordinance adding sexual orientation to the list of minorities against which there must not be discrimination. Remembering your warmly supportive luncheon talk last September 19, during the fifth International Convention of Parents and Friends of Lesbians and Gays, the Portland board of directors has directed me to thank you for your unwavering recognition of the rights of all law-abiding residents in our City of Roses.

It is deeply rewarding to have a majority of Portland's City Council refusing to respond to blatant homophobia, bigotry and ignorant prejudice. All of us who love, and take great pride in, our gay and lesbian children and our many surrogate sons and daughters, feel tremendously pleased with this affirmation of our trust.

With sincerity and pride,

Ann M. Shepherd, secretary
Portland Parents/FLAG

cc: Commissioner Mike Lindberg
Commissioner Earl Blumenauer
Commissioner Dick Bogle
Commissioner Robert Koch

Dear Mike,
As always, you come through gloriously, supporting Keaton -
and all the rest of our gay children! Whether it's the kids,
or our beautiful Parks. On gay rights, you're always
here, standing up and being counted to do the honorable, good
thing! With you in office, somehow, we'll pull through this
crisis! (And open the Performing Arts Center theaters in time!)
Stay healthy - we need you! Love,
Ann
Thought you'd enjoy our P/FLAG newsletter, using your inspirational quotes!

GAY PRIDE EVENTS continue, with the Sixth Annual Stonewall Run, a 10K and 2-mile Fun Run, at 9:00 a.m. Sunday, June 21, presented by the Portland Frontrunners. For more information on this Cascade AIDS Project benefit, call Rick Stoots, 233-2419. Proud music will fill the air the following Saturday, June 27, with the Portland Gay Men's Chorus introducing the Portland Lesbian Chorus, and featuring pianist David Smith and Musica Femina--Kristan Aspen, flute, and Janna MacAuslan, guitar. This exciting concert will be at 7:00 and 9:30 p.m. in the Eastside Performance Center, S.E. 14th and Stark, with tickets at \$3.00 at the door and from the Chorus.

THE SEMI-ANNUAL WOMEN'S BLOOD DRIVE Tuesday, June 30, from 3:30 to 7:30 p.m. at the downtown YWCA, 1111 S.W. 10th Ave., concludes Stonewall '87 activities. Co-Chairs Lynda Oakley, Annette St. Pierre and Anita Floyd URGE ALL HEALTHY WOMEN to make their deposit. Those unable to give blood are needed for a variety of clerical tasks, as well as to contribute snacks--cookies, cheese, crackers, fruit. NOTE: PLEASE wear soft-soled shoes, to protect the new gym floor at the YWCA! Sponsoring this "let a pint dribble out" affair are the usual stalwarts--Counseling Center for Sexual Minorities, Foxy Ladies, the YWCA and P/FLAG.

"We Shall Overcome"

SPEAKING OF FOXY LADIES--P/FLAG's own Annette St. Pierre, who served from February, 1986 to May, 1987, was the last to hold that title, given annually by Portland's Gay Mayor Sanford Director, and Darcelle XV. During the ceremony at which the Man and Woman of the Year--titles succeeding Foxy Lady/Mr. Hunky--were selected, Annette, on her Director's chair throne, was royally crowned! And well she deserved that fragile gold adornment--for P/FLAG alone, she held a rousing Bingo party to help fund last September's Fifth International Convention, AND word-processed this newsletter for a year! P/FLAG AGAIN HIT THE JACKPOT, 1½ members were awarded the new titles at the May 31 show at Darcelle's! Susie Shepherd, daughter of outgoing President Bill and Secretary Ann, was named Woman of the Year, and Keeston Lowery, former Right to Privacy PAC Chair, divided Man of the Year honors with Tom Norton, Volunteer Supreme for CAP, PGMC, Phoenix Rising and any other activity needing help and support.

"We Shall Overcome"

WITH THE BEGINNING OF A NEW REGIME, retiring Board personnel end on one STRONG, LOUD note: PAY YOUR DUES!!! They are due NOW, since the 1987-88 fiscal year begins immediately. Dues are: \$20.00 for a couple, \$12.00 for a single or \$5.00 for the newsletter only. Names of persons who have received the newsletter without paying their dues will be removed from the mailing list SOON.

"We Shall Overcome"

VOLUNTEER OF THE YEAR FOR State Rep. Ted Calouri is P/FLAGGER Annie Hall, who saw a need as a CAP volunteer, and founded the support group for significant others of People with AIDS. Introduced by former Sen. Nancy Ryles at State Volunteer Day, Annie also received a congratulatory letter from Governor Neil Galdschmidt.

"We Shall Overcome"

SPECIAL THANKS from retiring President Bill Shepherd, "To all the officers, directors and members of P/FLAG who have worked so faithfully and diligently throughout this past year."

In conclusion, VERY SPECIAL THANKS to typist/editorial assistant these past five months--who else?--Susie Shepherd, Woman of the Year'.

In unsolicited conclusion, EVEN MORE SPECIAL THANKS to mother for gathering all the news that was news this past year or more and sending it out in delightfully readable form, and to dad for being his "retiring presidential" self this past year! (from the typist!)

"We Shall Overcome Some Day"

June 11 '86
1076
ME

Dear Mr. Lindberg

Hooray for you, for standing up to those religious bigots Lusk and Davis. (Shadburne, too)

The Fundamentalists are showing their true colors in Falwell, Bakker, and those who upset the Illinois elections, and many more. I remember Sherry Reynolds (?) who painted all of the Trust Jesus signs around town. They are the people bombing Family Planning Centers, and going as far as murder as in the case of the San Francisco Alderman.

I don't want to be led by people like that - so negative and hateful - always tearing down and hurting or destroying.



Sincerely,

(Mrs.) Ella Kerzel

1987

KLI/mol

P.B. MICHAELS (MIKE), M.A.

2235 SE Stark Street
Portland, Oregon 97214
503-236-6558

21 JUNE 1987 . FATHER'S

DEAR MIKE LINDBERG,

AS AN INDIVIDUAL PERSON AND A PART OF THE
COLLECTIVE CITIZENRY - I AM GRATEFUL AND
APPRECIATIVE FOR YOUR DIRECT, OUTSPOKEN
SUPPORT AGAINST DISCRIMINATION.

JUN 29 1987

" THERE ARE SOME PEOPLE WHO THINK
THE CITY SHOULD SPEND TAXPAYER DOLLARS
SNOOPING ON ITS EMPLOYEES ...
MY BELIEF IS THAT PORTLANDERS DON'T
WANT ANY FORM OF DISCRIMINATION . " ...

THANK YOU FOR YOUR CONSCIOUSNESS RAISING
STATEMENTS .

MODELLING COURAGE AND ENLIGHTENED ATTITUDES
IS AN EMPOWERING EXAMPLE . IT IS
ESPECIALLY IMPORTANT THAT OUR YOUTH SEE
LEADERSHIP WHICH IS COMPASSIONATE , CARING,
AND COMMITTED .

P.B. Michaels

Oregonian 2/25/87

Initiative petition filed for vote on sexual-orientation law

By DEE LANE
of The Oregonian staff

Former State Rep. Drew Davis filed an initiative petition with the city auditor Friday that would repeal the sexual-orientation language in a city personnel ordinance.

The ordinance was passed unanimously by the City Council May 7. Largely a housekeeping measure, it

set up policies and procedures for the civil service reform package approved by voters in November. It also said the city forbids discrimination against its employees on the basis of "race, color, religion, sex, age, marital status, national origin, family relationship, sexual orientation, handicap or political affiliation."

Davis is against the inclusion of the words 'sexual orientation' in the ordinance because he says it "gives validity to a homosexual lifestyle."

He had filed a petition last month that would have repealed the entire ordinance, but withdrew it in order to draft a more specific initiative.

Davis filed both initiatives in the name of Byron A.E. Jacobson, a

Southeast Portland pastor. Davis had no legal standing to file the initiative himself because he is a resident of Lake Oswego. Jacobson could not be reached for comment Friday.

Just two days ago, Davis testified before the City Council against new guidelines for neighborhood associations, which included similar sex-

ual-orientation language. At time, he complained that the measure did not vote to file four or five initiatives to repeal all of the ordinances that include sexual-orientation provisions.

The council reaffirmed its previous stand, voting unanimously in favor of the neighborhood guidelines.

On Friday, Davis said he supported only the one petition.

"I believe the majority of citizens support my position," he said. "I'll predict this: It'll never go to ballot. When we get the signature (the City Council) will jump up and wring their hands and talk about gay-bashing and then pass this initiative in the council chambers."

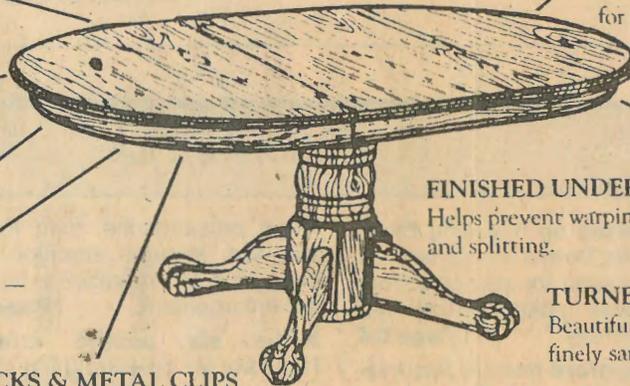
In 1984, Multnomah County commissioners passed an ordinance applied only to county operations not to private citizens or businesses. A group called Concerned Citizens which included Davis, collected enough signatures to place a referendum on the ballot. In March, 1985, county commissioners repealed the law rather than let it go to a vote.

The county then went back to a resolution prohibiting discrimination against homosexuals. Before passage of the new personnel ordinance, the city operated under a similar resolution, in effect since 1974. Although passage of the ordinance didn't actually change city practice, the ordinance carried the force of law while the resolution did not.

For the initiative to be placed on the ballot in the November, 1987 election, the filers would have to gather the signatures of 23,719 registered voters by July 1, 1988, according to Sandra Laubenthal, election manager for the city. The number is 15 percent of the number of voters who cast ballots in the last gen-

Oregon's Largest Dealer in Solid Oak Presents

THE BENTWOOD TABLE



TWO COATS OF SEALER
Applied after staining to keep moisture out.

ROUTED EDGES
Very clean and finely sanded.

NELSONITE SEALER
Applied before staining to eliminate shrinking and swelling of oak with humidity changes.

CLIPPED SKIRT
Allows table movement — unlike glued surfaces

MICHIGAN OAK
The finest quality Red Oak in America.

SASH LOCKS & METAL CLIPS
For a perfect fit from table to leaf

FINISHED UNDERSIDE
Helps prevent warping and splitting.

TURNED BARREL
Beautifully crafted and finely sanded finish.

SCULPTURED LEGS
Expertly carved and fully detailed

HAND STAINED
3 step hand-rubbed process for deep even color.

2 COATS OF CATALYZED LACQUER
For beauty and protection. Aids in heat resistance and repelling water.

SKIRT GAP
Allows for proper table movement.

METAL SIDES
Increased stability with cable movements.

SOLID OAK BALL & CLAW TABLE WITH LEAF & 4 SOLID OAK SIDE CHAIRS

- Made in Oregon
- In Stock — Ready for Immediate Pick-up or Delivery
- Written 5 year Guarantee

\$699

Only 6 pc.

CITY ANTIQUES

Antiques & Fine Country Furniture

BEAVERTON
10255 SW CANYON RD.
Open Daily 10-6
FRI. & MON. 10-8; SUN. 12-6
646-1999

PORTLAND
1805 S.E. UNION AVE.
Open M-F 10-8
Sat 10-6 SUN 12-6
231-8689

No Payments
No Interest
*til October
OAC

OPPORTUNITY and
affirmative action
(Five enclosed definitions)
I support the new
city ordinance.

I ABSOLUTELY SUPPORT YOUR
DECISION TO HAVE KEESON
LOWERY ON YOUR STAFF.
HE IS CREDIBLE, HONEST,
AND IS AN ASSET TO OUR
CITY.

Thanks

Ed Samuels.

July 19, 1987

Dean Miller:

I AM WRITING TO
EXPRESS TO YOU MY
APPRECIATION FOR
THE FINE JOB YOU
DO FOR US...

I WORK FOR PACIFIC
NORTHWEST BELL AND
AM PLEASED TO WORK
IN AN ENVIRONMENT
OF PLURALISM,
EQUAL EMPLOYMENT

RECEIVED

JUL 16 1987

Pluralism is "a state of a company in which a diversity of employees is nurtured to ensure that a variety of the best ideas and talents possible are utilized at all levels to provide for the growth of the business and promote its success."

EEO is the right of all persons to work and advance on the basis of merit, ability and potential without discrimination.

Affirmative Action means taking positive steps to recruit, employ, train and promote qualified women and members of minority groups to ensure equitable representation of both groups in any job classification or group in relation to their presence in the available, experienced civilian labor force.

Mike
KL ✓
S -

RECEIVED

HENRY KANE
ATTORNEY AT LAW
12275 S.W. 2ND
P.O. BOX 518
BEAVERTON, OREGON 97075

JUN 1 1987

AREA CODE 503
TELEPHONE 646-0566

May 30, 1987

Honorable Earl Blumenauer
Commissioner
1220 S.W. 5th, 4th floor
Portland, OR 97204

Dear Commissioner Blumenauer:

Many thanks for your May 29, 1987 letter and accompanying copy of Resolution No. 31510, adopted by the City Council Dec. 18, 1974. It states:

"WHEREAS homosexual men and women, like many other groups in our society, have frequently been the victims of blind fears and baseless prejudices, and

"WHEREAS, the Council recognizes that sexual orientation in and of itself, does not relate to ability in job performance and service;

"THEREFORE, BE IT RESOLVED that the Council promote a policy of nondiscrimination in City Employment relative to the personal sexual preference of any individual; and

"FURTHER RESOLVED that the Bureau of Personnel Services be requested to receive and investigate complaints of alleged discrimination on the basis of sexual orientation."
(emphasis added)

Assuming, but not conceding, that in 1974 there were "blind fears and baseless prejudices," the AIDS epidemic that is spreading to heterosexual men, women, children and infants indicates that there may be some grounds for "fears" and "prejudices."

As you no doubt are aware, AIDS, a fatal disease to date, is concentrated among sexual deviates and intravenous drug abusers, and is spread from victim to victim by, among other means, homosexual sexual practices, e.g., "rimming."

Perhaps you are aware of other reasons for dislike of sexual deviates, one of whom, Jeannace Freeman, a sexual deviate, tossed two small children to their deaths from the Crooked River Bridge because the tots reportedly interfered with her relationship with the victim's mother, the numerous cases of male homosexual molestation of boys, one of whom shot and killed his molester in or near Sisters, Oregon; male homosexual rape in prisons, the torture-murder of some 32 boys and young men by John Gacy of near Chicago, and the Texas man who tortured and killed some 25 boys/young men before he was killed by an intended victim. There have, of course, been other murders by homosexuals prompted by their homosexual "sexual orientation."

Commissioner Earl Blumenauer
May 30, 1987
Page Two

Some years ago one or more male homosexuals attacked/molested boys in a Southeast Portland neighborhood. There was nothing hypothetical about the "fear" and/or "prejudice" in that area.

Enclosed is a copy of the June 1, 1987 Newsweek magazine article titled "A New Worry for Health-Care Workers / The threat of infection through contact with AIDS-contaminated blood."

The article said three female health-care workers had apparently become infected after a single, non-sexual exposure to AIDS-contaminated blood:

"Fatal accident: One health worker was infected with AIDS when a vacuum-sealed test tube popped open, splashing blood into her face and mouth."

"Prolonged exposure: An emergency-room nurse applied pressure for 20 minutes with her chapped, ungloved hand to a site where a catheter had been removed from an artery."

"Careless contact: A third woman was spattered with blood from a faulty lab machine; she may have touched her inflamed ear before washing up."

Query: If the City of Portland hires a known homosexual who has AIDS or is infected with the AIDS virus, and a person comes into contact with that person while he is on duty, contracts AIDS and dies of AIDS, would you, other Commissioners and the City of Portland liable for wrongful death and punitive damages?

Sincerely,


Henry Kane

encl.

A New Worry for Health-Care Workers

The threat of infection through contact with AIDS-contaminated blood

It has become a predictable scene in the unfolding AIDS drama: whenever health officials announce a new finding about the spread of the disease, another wave of fear—and sometimes panic—spreads through the population. Last week was no exception. When the Centers for Disease Control reported that three female health-care workers had apparently become infected after a single exposure to AIDS-contaminated blood, many Americans were terrified.

At The Center, a Long Beach, Calif., blood-testing facility that recently served about 50 people a week, the doors had to be closed after 102 people—nearly all of them health workers—came in for tests. "They were worried that some patient in the past may have been infectious and they didn't know it," says Dr. Michael Brown, coordinator of AIDS services. In New York, the Gay Men's Health Crisis hot line was flooded with calls. And in Houston, a nurse who had been considering a job at an AIDS hospice changed her mind because, she says, "I'm just not going to risk it."

CDC recommendations: Although such worries are understandable, the new report should not be cause for widespread alarm. The three cases did not describe a new mode of AIDS transmission—and, in fact, the incidence of infection among the thousands of health-care workers who have cared for AIDS patients is extraordinarily low. But the report did point out the need for extreme caution. For the past five years, the CDC has strongly recommended that care givers who might come into contact with the blood or body fluids of AIDS patients should wear gloves and, in some cases, masks, gowns and eye goggles. But accidents can still happen, and many health workers simply skip the protective measures. Hundreds of hospital workers have reported pricking themselves with hypodermic needles used on AIDS patients, yet only a handful have tested positive for antibodies to the virus.

The three cases described by the CDC last week were among the first involving exposure to blood *without* a needle prick; all three women, however, had breaks in their skin that could have allowed the virus to enter. In one instance, a hospital emergency-room nurse was trying to help resuscitate a patient who had

stopped breathing and had no heart-beat. Without gloves, she applied pressure for 20 minutes to the gauze-covered site where a catheter had been removed from an artery in his arm; the staff did not know the man had AIDS. Later the nurse reported that her hands had been chapped. At another hospital, a worker who was wearing gloves and glasses was filling a vacuum-sealed tube with blood when the rubber stopper popped off the tube, and blood spurted into her face and mouth. CDC officials speculate that the AIDS virus may have passed through mucous membranes in her mouth. The third woman, who was also not wearing gloves, was operating a blood-separation machine that broke, splashing blood over her hands and forearms. She told investigators that she had an ear inflammation, which she may have touched before washing up.

The CDC had previously reported six other cases of health workers who were infected through apparent exposure to contaminated blood. Four had stuck themselves with needles, and two others, who didn't take protective measures, had "extensive" contact with blood and other fluids from AIDS patients. Last week's report also included results of three studies of more than 1,500 health workers who had been exposed to AIDS blood through needle pricks, open wounds or mucous membranes. The encouraging

news was that only one person in this large group has tested positive for AIDS antibodies. "It is important to realize that these exposures are very common," says Dr. James Hughes, director of the CDC hospital-infections program. The risk to health workers from exposure to blood "is not zero," he adds, "but it is very, very low. We hope that these [new] cases will provide additional motivation to follow precautions." People who care for AIDS patients at home should also protect themselves, Hughes says.

Increasing risk: As the AIDS epidemic continues to grow, even the very small risk for care givers is likely to increase. Last week there were already signs that these workers were starting to look out for their own health as well as that of their patients. Marie Dorgler, a nurse at New York Hospital who works on an infectious-disease floor, says many employees—particularly those who don't work regularly with AIDS patients—have been lax about taking protective measures against exposure to blood. "It takes a couple of minutes to put on a gown and mask and gloves," she says, "and when you've got a hundred things to do, a couple of minutes means a lot." Now, she expects, "there'll be a lot more strictness about the rules. One mistake, and that could be your life."

JEAN SELIGMANN with MARY HAGER
in Washington and bureau reports



Fatal accident: One health worker was infected with AIDS when a vacuum-sealed test tube popped open, splashing blood into her face and mouth



Prolonged exposure: An emergency-room nurse applied pressure for 20 minutes with her chapped, ungloved hand to a site where a catheter had been removed from an artery



Careless contact: A third woman was splattered with blood from a faulty lab machine; she may have touched her inflamed ear before washing up

ILLUSTRATIONS BY CHRISTOPH BLUMRICH—NEWSWEEK

CITYWEEK

THE WEEKLY NEWSPAPER OF OREGON'S GAY AND LESBIAN CITIZENS

June 5, 1987

Vol. 2, No. 34

Anti-Gay Forces Plan Initiative Drive Against Portland Ordinance

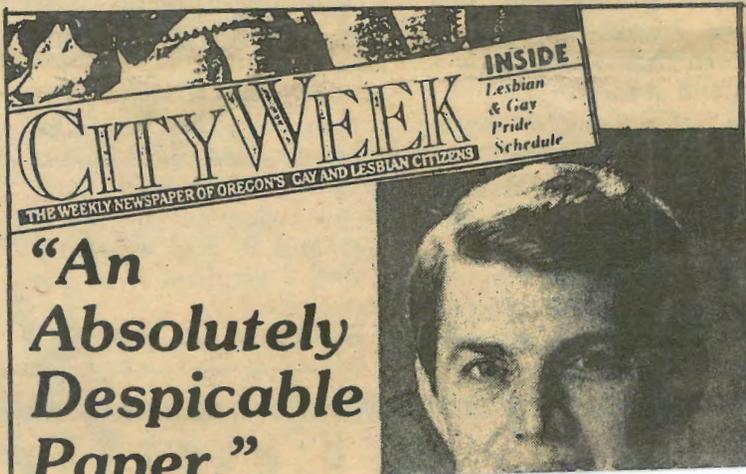
Salem — At a rally on the steps of the Capitol in Salem Priscilla Martin, Portland, of Concerned Women for America said that her group will sponsor an initiative against the recently passed Portland ordinance protecting lesbian and gay city employees.

At the Monday noon rally Martin was joined by conservative legislators and religious leaders in denouncing gays. Martin

paper."

Holding up a copy of the paper Lutz said, "Look whose photo is on the front page," pointing to a photograph of Secretary of State Barbara Roberts.

Lutz encouraged the crowd to read City Week calling it, "an example of the sexual practices homosexuals want to teach our little kindergarten children." Lutz said that, "You can pick them up



"An Absolutely Despicable Paper."

CITYWEEK

THE WEEKLY NEWSPAPER OF OREGON'S GAY AND LESBIAN CITIZENS

Vol. 2, No. 41

Friday, July 31, 1987

INSIDE

*Police
Investigation
Pledged*

Page 3

PORTLAND

DAVIS FILES PETITION TO OVERTURN ORDINANCE PROTECTING WORKERS INITIATIVE PLANNERS SEEK 1988 VOTE

PORTLAND -- JULY 24 -- After two false starts Drew Davis finally decided that he was satisfied with a third version of a petition to gather signatures for an initiative against the city's personnel policy and filed that petition on Friday, July 24.

If Davis gathers the necessary 23,719 signatures by July 1, 1988 Portlanders will vote on if the personnel ordinance should include the language protecting lesbian and gay city employees. Previously Davis had filed to repeal the entire personnel

ordinance.

The City Council passed the ordinance on May 7 in a unanimous vote. Davis and Rev. Joe Lutz immediately called on the council to reconsider its vote. The Council did not. On Wednesday, July 22 the council passed a second ordinance protecting lesbians and gays from discrimination within neighborhood associations.

Davis' most recent initiative petition is filed in the name of Byron A.E. Jacobson of Southeast Portland. Davis must file the initiative

in another person's name because Davis is not a resident of Portland. He lives in Lake Oswego.

Davis predicts that he will collect the needed signatures and that the council will repeal the ordinance once he has them. Davis was successful in this manner in 1985 when he collected signatures to put a Multnomah County ordinance that included sexual orientation language on the ballot.

At the urging of lesbian and gay community leaders the county repealed the ordinance

and replaced it with a resolution. The resolution contains the same language, but it is not subject to an initiative.

The city passed a resolution in 1974, but replaced it with the ordinance.

"We're confident that the citizens of Portland will understand the issues," said John Baker, chair of the Right to Privacy Political Action Committee. "The citizens understand that it is in the best interests of Portland to ensure fair employment practices for all its citizens."



**Drew Davis
Finally Files Initiative**

CITIZENS FOR OPEN POLITICS

(COP)

2136 NE 194TH AVE.
PORTLAND, OREGON 97230

PH. 666-8607 OR 226-DREW

FOR IMMEDIATE RELEASE

June 9, 1987

TO: METROPOLITAN AREA MEDIA

FROM: HON. DREW DAVIS, Executive Director
CITIZENS for OPEN POLITICS

PORTLAND -- former state Rep. Drew Davis, executive director of Citizens for Open Politics, filed an initiative petition with the City Auditor today that would repeal the homosexual special rights language of a recently passed ordinance.

Davis also demanded that city commissioners "fire" Keeston Lowery, an aide to Commissioner Mike Lindberg. Davis said, "Keeston Lowery has committed a gross violation of his public duties as an aide to a city commissioner. He deliberately manipulated the ordinance process by guiding and shielding controversial homosexual special rights language in a routine housekeeping ordinance -- without the knowledge of the commissioner he works for (see attachment A), the city council, the newsmedia at large or the citizens of Portland."

Davis said he discovered Lowery's actions when a local citizen showed him an article in Portland's gay newspaper, City Week. Concerning an amendment to the ordinance, the May 8 article says "that it was not proposed to the counsel for fear it would 'red flag' the legislation for anti-gay forces." (see attachment B).

Davis said, "The primary issue is the manner in which the homosexual language was included in the ordinance, not just the language itself." Davis added, "My objective is not a city-wide vote, but rather that city commissioners uphold Oregon's 'Open Meetings' law."

"This matter will result in a public vote only if the council refuses to abide by the 'Open Meetings' law," Davis said.

The Oregonian

B2

Weather

Partly cloudy; high, 70; low, 45

— Page A2

SUNRISE EDITION

PORTLAND, OREGON, SATURDAY, MAY 23, 1987

80 PAGES

25 CENTS

P

Officials defend ban on sexual orientation bias

A Portland city ordinance that includes a ban on discrimination because of sexual orientation has drawn criticism, but commissioners argue that the new law represents no change in policy.

Former state Rep. Drew Davis, who was active in opposing a similar Multnomah County ordinance in 1984 and 1985, has written to the city commissioners requesting a repeal of the section about sexual orientation.

Henry Kane, a Beaverton lawyer who said he represented other opponents of the sexual orientation clause, accused its supporters on the City Council of deliberately keeping quiet about the regulation to thwart efforts to repeal it through referendum.

The City Council approved the ordinance unanimously May 7 as part of a merger of responsibilities of the Bureau of Personnel Services and the Civil Service Board. The council discussed grievance procedures contained in the ordinance. But the section banning discrimination based on sexual orienta-

tion — as well as race, color, religion, sex, national origin, political affiliation and other factors — did not come up.

City Commissioners Mike Lindberg and Dick Bogle said this week they were not aware that the policy contained a reference to sexual orientation when they voted for it but would have voted for it anyway.

City Commissioner Earl Blumenauer, who was involved in the Multnomah County dispute as a county commissioner two years ago, defended the ordinance. Blumenauer said the new ordinance formalized city policy in effect since 1974, when the council approved a resolution prohibiting discrimination in hiring practices on the basis of sexual orientation.

"There is not anything in there that has not been existing city policy," said Blumenauer, who as commissioner in charge of the Bureau of Personnel Services introduced the ordinance.

Charles P. Duffy, a spokesman for Mayor Bud Clark, said the fact that the wording was

now in an ordinance instead of in a resolution "is a distinction without a difference" because the city had acted just as if the resolution had the force of law.

City Commissioner Bob Koch also said the ordinance did not change anything. Koch said he would oppose any effort to confer "minority status," with affirmative action programs, on homosexual men and women.

Davis disagreed. "My objection is to the inclusion of what's referred to as 'special rights language' for homosexuals in a city ordinance," said Davis, a Lake Oswego resident. "In my way of thinking, that is granting a special right to someone who has chosen a particular lifestyle."

Davis also charged that Blumenauer tried to pass the ordinance in a deceptive manner, noting that the news media and two city commissioners apparently were unaware of the language in the city ordinance.

Blumenauer said that while the City Council did not debate publicly the reference to sex-

ual orientation, no effort was made to keep the issue quiet.

"It went through a very open process," Blumenauer said. The ordinance, he said, was put together by a committee of personnel managers who took existing city policies and formed a policy to fit the merger of the Civil Service Board and the Bureau of Personnel Services.

Kane said that because the ordinance was approved with an emergency clause putting it into effect immediately, he did not know if his clients would have time to refer it to the voters. They might have to take the initiative route, which would require more signatures, he said. Kane would not identify his clients.

Multnomah County commissioners approved an ordinance in 1984 that applied only to county operations, not to private citizens or businesses. A group called Concerned Citizens, which included Davis, collected enough signatures to place a repeal measure on the ballot. In March 1985, the county commissioners repealed the law rather than let it go to a vote.

Company vows to fix problems with loans

By LESLIE L. ZAITZ
and ALAN K. OTA
of The Oregonian staff

A top executive of Lomas & Nettleton Co. vowed Friday that his company would fix its problems in the Home Mortgage Lending Division home office and would pursue its ambitions in the Oregon market.

year 2020.

The projection was far more optimistic than either the company or state officials have said publicly and came in an April 22 letter from Low to Gov. Neil Goldschmidt.

A consultant's analysis of the Lomas & Nettleton proposal showed that the company would be paid



Tornado levels town in west Texas; 25 die

SARAGOSA, Texas (AP) — A tornado leveled every building in this tiny remote town Friday night, including a community hall where a preschool graduation was being held. At least 25 people were killed and more than 110 were injured, officials said.

Most of the dead were children.

town — the storm just picked them up."

Rodriguez said he didn't know how many people had been trapped.

"There is no structure left in town," Department of Public Safety spokesman David Wells said early Saturday. "The stone building was filled with 5-year-olds and their nar-

CITY WEEK

THE WEEKLY NEWSPAPER OF OREGON'S GAY AND LESBIAN CITIZENS

May 8, 1987

Vol. 2, No. 30

DATE BREAKING

COUNCIL APPROVES JOB'S BILL

by Christopher L. Smith
PORTLAND — May 7 — The Portland City Council in a surprise move Thursday afternoon passed a new city ordinance intended to protect gays and lesbians employed by the city from discrimination in employment based on their sexual orientation. The provisions were included in a comprehensive revision of city personnel legislation and was sponsored by City Commissioner Earl Blumenauer. Job protection has been provided by resolution since 1974, but a council resolution does not have the force of law as

Cont. Page 4

.4

CITY WEEK
METRO

May 8, 1987

New Ordinance Protects Gay City Workers

Cont. from Page 1
does an ordinance.

Most Oregon gay activists were surprised by the swiftness and timing of the council action, and a drafting flaw in the legislation could hamper its implementation. Concern was also expressed that the ordinance could lead to a city initiative petition to overturn the law led by fundamentalist conservative forces.

The newly passed ordinance included sexual orientation in a number of references to city personnel action and employee rights, but it does not include sexual orientation in the list of prohibited discrimination criteria, such as age, race and religious affiliation.

The ordinance, Agenda Item #700 passed the council unani-

mously, and the inclusion of sexual orientation in its provisions was not mentioned in either the debate or statements from city personnel administrators who developed the statute.

During the course of the consideration, two minor amendments were adopted by the council, and Lowery told City Week that an amendment adding sexual orientation to the list of prohibited discriminations had been discussed Thursday morning. He said that it was not proposed to the council for fear it would "red flag" the legislation for anti-gay forces.

Lowery said that he had checked with the City Attorney's office and had been advised that inclusion of sexual orientation in the operative



Photo by Donn Colee

Keeston Lowery

parts of the ordinance would be sufficient.

In introducing the ordinance Blumenauer said that it had been under development since

the first of the year and had included involvement from the staffs of all commissioners.

Lowery alerted City Week on Wednesday to the impending passage of the legislation, however others in the gay-supportive community were largely unaware of the planned action.

Neither Stevie Remington, director of the Oregon American Civil Liberties Union, nor Burton White, Chair of the ACLU Gay and Lesbian Commission, were aware that the action was being considered. The ACLU is currently the chief lobbyist of the 1987 gay rights bill in the Oregon legislature.

John Baker, chair of the Oregon Right to Privacy Political Action Committee said that he was only generally aware that the ordinance including sexual

orientation was being planned.

In 1984 a similar ordinance passed by the Multnomah County Commission protecting gays and lesbians in county employment led to an initiative campaign by anti-gay forces that resulted in the commission rescinding the ordinance in 1985 in favor of a county resolution.

The 1985 action came because the commission and gay leaders felt that the expense of fighting the initiative petition in a campaign would be prohibitive, and that the outcome was uncertain.

The action of the council will become effective July 1 and because the vote of Thursday was unanimous the ordinance does not require a second consideration by the council.



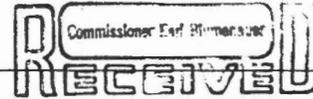
CITY OF

PORTLAND, OREGON

OFFICE OF CITY ATTORNEY

Bob Stacey

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 248-4047



June 3, 1987

JUN 4 1987

INTEROFFICE MEMORANDUM

TO: Commissioner Dick Bogle

FROM: Rudolph S. Westerland, Deputy City Attorney R.W.

SUBJ: City Policy Regarding Employment Discrimination
Because of Sexual Orientation

Since 1974, the City Council, by Resolution, has prohibited discriminatory practices by City managers against job candidates and employees because of sexual orientation. On May 5, 1987, the Council reaffirmed that policy by passing an ordinance which contains a clear and concise statement of the Council's policy. The policy statement has attracted the attention of certain members of the public who view homosexuality as immoral and believe that the City should refuse to employ homosexual persons and should discharge employees who are homosexual. In light of these complaints, you ask the following questions:

Question No. 1

Did the City Council act prudently and consistent with law by including a statement of policy in the ordinance

Question No. 3

Are homosexual persons a "protected class" or members of a minority group for purposes of affirmative action?

Answer

No.

DISCUSSION

From the viewpoint of courts and arbitrators, it would have been unreasonable and imprudent of the City Council to give City managers and subordinate personnel a confused message about any policy that the Council expects subordinates to obey. The failure of an employer to clearly state its policies is a primary reason given by courts and arbitrators for refusing to sustain discipline imposed by the employer on an employee for failing to obey and faithfully carry out the employer's policy. An employer's policy must be made known to employees if the employer is to have the right or reason to expect that the policy will be obeyed by subordinate personnel.

Since 1974, the City Council, by Resolution, has directed management staff to treat job candidates and employees without regard to their sexual orientation. Since that policy pertains to a personnel matter, it was prudent of the Council to clearly state that policy in the ordinance which was passed by the Council on May 5, 1987 for the purpose of declaring Council policy on personnel matters in general. Only if the Council did not have a policy regarding discrimination because of sexual orientation would the Council have had a reason to delete from the personnel ordinance any reference to the subject.

Furthermore, since at least 1969, the courts have uniformly ruled that an employee may not be discharged from federal, state or city employment or denied public employment, solely on the grounds of homosexuality. Norton v. Macy, 417 F2d 1161 (DC Cir. 1969). The states and their political subdivisions in particular are constrained by the 14th Amendment to the Constitution of the United States to establish no policies which "deny any person within its jurisdiction the equal protection of the laws". In practical terms, this means that a municipal corporation must have a "rational basis" for subjecting homosexual individuals as a class of persons to adverse discriminatory employment

practices. Homosexuality alone, and by itself does not constitute a "rational basis" for discrimination. Ross v. Springfield School District No. 19, 56 Or App 197 (1982) (discussed below). Hence, since 1974, the employment policies of the City Council with respect to sexual orientation has only stated what the 14th Amendment to the Constitution of the United States provides with respect to policies of public bodies in general.

However, courts in Oregon and in other states have ruled that homosexuality, if accompanied by certain additional factors ("plus factors"), may support the constitutionality of a discriminatory decision in a particular case. The necessary additional factors are most often found in cases involving the relationship between students and teachers in public schools. These "plus factors", when they are proved to exist by evidence presented by the public body in the particular case, are said by the court to establish the necessary "rational" nexus between the homosexual's conduct and his or her ability to efficiently and competently perform the work of the job involved. The "plus factor" in school cases centers around the higher standard of conduct associated with the responsibility of teachers who deal with students in the educational environment. The case of

Gaylord v. Tacoma School District No. 10, 559 P2d 1340

(1977) is a typical example of school cases in many other states. Gaylord, the teacher, was homosexual. He was sought out for counseling by a student who was having a "homosexual problem". This student, in turn, told the school authorities that he suspected that Gaylord himself was homosexual. Gaylord admitted his homosexuality when confronted with the matter by the authorities as well as his actual participation in homosexual activities. Gaylord was fired and subsequently filed a lawsuit. In addition to evidence of the particular relationship between the student in question and Gaylord, the court heard strong evidence from administrators, teachers, parents and others concerning the damaging affect of the teacher's homosexuality on his ability to do all aspects of his job. The court said the following:

"After Gaylord's homosexual status became publicly known, it would and did impair his teaching efficiency. A teacher's efficiency is determined by his relationship with his students, their parents, the school administration, and fellow students. If Gaylord had not been discharged

after he became known as a homosexual, the result would be fear, confusion, suspicion, parental concern, and pressure on the administration by students, parents, and other teachers."

The court also stressed the unreasonableness of forcing school authorities to take the risk that some harm might come to the students, toward who they bare the high fiduciary duty:

"It is important to remember that Garylord's homosexual conduct must be considered in the context of his position of teaching high school students. Such students could treat the retention of the high school teacher by the school board as indicating adult approval of homosexuality. It would be unreasonable to assume as a matter of law a teacher's ability to perform as a teacher required to teach principles of morality is not impaired and creates no danger of encouraging expression of approval and imitation. Likewise to say that school directors must wait for a prior

specific overt expression of homosexual conduct before the act to prevent harm...is to ask the school's directors to take an unacceptable risk in discharging their fiduciary responsibilities of managing the affairs of the school district."

The Oregon Courts have made it clear that public bodies in Oregon may not discriminate against homosexuals on the sole ground of homosexuality. The leading case is Ross v. Springfield School District No. 19, 56 Or App 197 (1982). The case involved a public high school teacher in a small rural community. In 1979, the teacher went to an "adult book store" that was under police investigation. He entered a movie booth which was occupied by another person and closed the door behind him. A police officer, by standing on the shoulders of another officer, was able to observe the teacher watching a movie and engaging in anal intercourse with the other person. The District Attorney of Lane County filed suit to enjoin the continued operation of the book store. The teacher's conduct was described in detail in the court papers filed. Newspaper coverage surrounding the lawsuit was extensive and word of the teachers involvement spread quickly throughout the communities where he taught. The news articles indicated the activities included acts or oral and

anal sodomy, masturbation and use of "glory holes" and that semen and urine were present on the floor and walls.

The state law which governs school districts in Oregon authorizes the discharge of a teacher for "immorality" and "gross unfitness". On the basis of that law, and the teacher's admitted conduct, he was fired. When the case reached the Court of Appeals, the teacher contended, among other things, that his dismissal violated his right to privacy and to equal protection under the state and federal constitution, because he was allegedly fired solely for being "homosexual". The court disagreed and said the following:

Petitioner's conduct, however, is not of the character afforded constitutional protection,and we conclude that the grounds for petitioner's dismissal were rationally related to his ability to teach effectively in the school district.

Petitioner was not dismissed because of his sexual preference, but rather because of the manner and place in which he exercised that preference with the resultant notoriety surrounding his

activities at the Adult World, which the school board was entitled to determine impaired his ability to teach in the district. If petitioner's privacy was invaded at all, it was the result of his indiscretion and failing to protect his privacy." Id. at 209.

In a footnote, the Court of Appeals was careful to draw the distinction between discrimination on the basis of homosexuality, verses discrimination because of the "plus factors" involved in the case. The court said:

"Ross was involved in acts of deviant sexual intercourse in a public place. He is not charged with being a homosexual. He is charged with immorality. The admitted acts of Ross at Adult World were acts of deviant sexual intercourse.

Ross was dismissed because of behavior, not because of homosexual traits or impulses" (Citation note

7, page 209).

Despite the gross public display of deviant behavior by Ross, the Oregon Supreme Court reversed the Court of Appeals decision and remanded the case all the way back to the Fair Dismissal Appeals Board (CFDAB) which is the administrative body similar to a "Civil Service Board" that heard the teacher's appeal from the discharge. The court ruled that to affirm the discharge, the FDAB must explain in its Order the alleged relationship between the teacher's admitted public conduct and the teacher's alleged unfitness to perform the duties of his employment position. Ross v. Springfield School District No. 19, 294 Or 357 (1982).

After the remand, the FDAB again affirmed the discharge. In its Order, the FDAB explained that the teacher engaged in "reprehensible sexual conduct" in a public place which offended "community standards of immorality", and that once his activities became known within the school community and among the parents of his pupils, his ability to function as a teacher was severely impaired or disappeared altogether. After his dismissal, the teacher appealed to the court again. The Court of Appeals held that the FDAB's explanation of its actions was sufficient and affirmed the discharge. Ross v.

Springfield School District No. 19, 71 Or App 111 (1984).

However, once again the case went to the Oregon Supreme Court and again that Court reversed the Court of Appeals decision. (300 Or 507 1986). The court ruled that the FDAB and the Court of Appeals had erred by assuming that their task was to find and apply the "community moral standards" to the facts of the case. The court said that the teacher's conduct was not to be judged merely by reference to "community opinion on immorality". Rather, it was the duty of the FDAB to define "immorality" for purposes of the statute without reference to public opinion or alleged community standards. Because it reversed the Court of Appeals' decision on statutory grounds, it was not necessary for the Supreme Court to even reach the constitutional question that the teacher also raised.

CONCLUSION

Homosexual individuals are not "minorities" within the meaning of affirmative action rules. Neither are they members of a "protected class" within the meaning of state or federal laws. The Council's policy statement against discrimination because of sexual orientation is like the Council's policy statement against discrimination because of a handicap. Adverse treatment of an individual on the

subject bases is prohibited. On the other hand, the City has no legal obligatin to recruit and employ a particular number or percentage of epileptics in the work force or homosexual men and women.

Instead, the City Council, by the ordinance merely acknowledges the right of all citizens, including homosexuals to equal protection of the laws under the Constitution of the United States. A state or political subdivision must have a "rational basis" under the 14th Amendment to deny employment to any particular class of persons. Homosexuality itself and alone, is not considered by courts as a "rational basis" for exclusion or dismissal of all homosexual individuals from government employment.

The ordinance passed by the City Council reaffirms a long standing policy of the Council. That policy is consistent with the responsibilities of the City as a public employer under the 14th Amendment to the Constitution of the United States and was a prudent exercise of the responsibilities of Portland's governing body.

PERSONNEL POLICY ORDINANCE

6/8/87

Mike,

I've attached an article from Monday, June 6, Oregonian, in which Drew Davis is announcing his plans for a press conference Tuesday, June 7, 9:30 am.

In addition to announcing his plans for an initiative petition on portions of the ordinance, he reported that he would be calling for the dismissal of one City employee who "obscured" information so that City Commissioners were not aware of the sexual orientation provisions. The most likely candidates seem to be someone from personnel, someone from Earl's office, or me. I thought that you should be prepared for that.

His press conference is scheduled for the same time that you have your press conference scheduled at the Schnitz.

I have attached a copy of an office memo drafted in Earl's office to answer questions dealing with the issue, and they have suggested that all statements be referred their direction.

But in the case that you are asked, I thought that I should lay out, to my best recollection, my comments to the gay press about the passage of the ordinance that appeared in City Week. My comments were in response to the ordinance, rather than in anticipation of it's passage. My comments that were quoted in City Week came, ironically, in response to questions as to why I had not notified the gay community and press about the impending passage of the personnel ordinance. I indicated that it was already policy, that the ordinance included numerous items including this one provision, and that notifying them would red-flag something that was only a part of a greater ordinance.

Here are some suggested points:

- 1) The City Council, in 1974, passed a resolution which guaranteed that city employees would be judged on the merits of their work, rather than who they loved.
- 2) That policy has not changed, and I don't think that it should be changed. There are some people who think our city government should spend taxpayer dollars snooping on its employees and making judgements about who they love. They would try to push their personal beliefs off on others, and take away the jobs of those who they feel don't measure up to their standards.
- 3) I don't want to place judgements on their intentions, but I have a different view. I think everyone who can work should be able to work. I think that government is not in the business of judging who a person loves, and rating them according to some moral scorecard. Drew Davis and Gordon Shadburne attempted this in the County a few years ago, and we all saw the devastating effect that had on the lives of so many. It is simply wrong.
- 4) The personnel ordinance we passed included numerous changes, but this was not one of them. This simply restates the policy of fairness that has served our City well for the last 13 years.

- Keeston

BRUCE R. McCAIN, M.Div.
11815 NE THOMPSON
PORTLAND, OR 97220
(503) 257-8472

890
KL

May 30, 1987

RECEIVED

Commissioner Mike Lindberg
City Hall - Room 414
1220 SW 5th
Portland, OR 97204

JUN 1 1987

Dear Commissioner Lindberg,

As a concerned citizen and resident of Portland, thus a constituent of yours, I sincerely request that you and the other City commissioners immediately rescind the recently passed "personnel ordinance" which contained language granting special rights to those who express "sexual orientation(s)" which deviate from the norm of our community.

I am not only disturbed about the content of the ordinance, but also about the manner in which it was passed. By not granting a public hearing on this matter, but quietly yet intentionally slipping it into law, you have effectively deprived the voting public from offering input into this controversial matter. Yet you have privately discriminated in favor of a group whose agenda inherently and implicitly requires acts done in secret; much like the way you passed this ordinance.

Again I urge you to rescind the ordinance, grant a public hearing dealing with the issue of the City granting favorable treatment to homosexuals in hiring practices, and then present the ordinance to the Board for vote once again.

Thank you for a moment of your busy time,

Bruce R. McCain

Bruce R. McCain

891
KL

RC
COMMISSIONER
LINDBERG'S OFFICE
RECEIVED

MICHAEL J. CARR
2170 N.E. Weidler St.
Portland, OR 97232
(503) 287-1768

May 30, 1987

JUN 1 1987

Mr. Mike Lindberg
Commissioners Office
Portland, Oregon 97204

Dear Mr. Lindberg,

I am 100 per cent against the recent ordinance City Hall passed granting minority status for homosexuals in city government.

I would like to see this legislation reversed.

Secondarily, what irks me, is the swift secrecy this was handled by city government. I understand even you were in the dark in knowing about this legislation before it was voted upon. If this is true, then the political aides who work in your office ought to be reprimanded or replaced.

If this legislation is such a useful, needed, and popular ordinance, why not allow the matter be brought up for Portland voters to decide?

Thank you for your consideration.

Yours truly,
Michael Carr



CITY OF
PORTLAND, OREGON
BUREAU OF PERSONNEL SERVICES



June 11, 1987

TO: Steve Lowenstein, Commissioner Lindberg's Office

FROM: Melinda Petersen, Personnel Analyst *MP*

SUBJECT: Personnel Rules

Our office has been working with the Personnel Advisory Committee in completion of the new Personnel Rules. The attached Resolution, to be presented next week, comprises the first five chapters of the Rules. These include provisions which need to be in place by July 1.

After a brief hiatus of a couple of weeks, meetings will reconvene with the Committee; we plan to complete the remaining Rules by the end of September.

We will contact you to arrange a meeting for early next week, if possible, to discuss the Rules. Please contact me at the above number if you need additional copies.

0608G/MP:vt

cc: David Judd ✓
~~Keiston Lowry~~

RECEIVED
JUN 9 9 17 AM '87
BARBARA CLAR, AUDITOR
CITY OF PORTLAND, OR.
BY _____ SL

PROSPECTIVE PETITION

FOR City of Portland INITIATIVE MEASURE
(Enter "City," "County," or "Special District") REFERENDUM

To: City Auditor
(Title of Election Officer)

We, the undersigned, request that the City Attorney prepare a ballot title for the
(District Attorney or City Attorney)
attached proposed measure to be submitted to the people of

City of Portland
(Name of City, County or District)

for their approval or rejection at the election to be held on November 8, 1988.

DESIGNATING CHIEF PETITIONERS (ORS 250.165, 250.265, 255.135)

Every petition shall designate not more than three persons as chief petitioners, setting forth the name, residence address and title (if officer of sponsoring organization) of each.

1. NAME (PRINT): Byron A. E. JACOBSON SIGNATURE: Byron A. E. Jacobson
Residence Address: 2204 SE 55th
Mailing Address (if different): _____
City, State, Zip Code: Portland, Oregon 97215 PHONE: (503) 233-5816
(Sponsoring organization, if any) _____

2. NAME (PRINT): _____ SIGNATURE: _____
Residence Address: _____
Mailing Address: (if different): _____
City, State, Zip Code: _____ PHONE: () _____
(Sponsoring organization, if any) _____

3. NAME (PRINT): _____ SIGNATURE: _____
Residence Address: _____
Mailing Address: (if different): _____
City, State, Zip Code: _____ PHONE: () _____
(Sponsoring organization, if any) _____

INSTRUCTIONS

FOR CIRCULATORS

- A petition circulator must be an elector of the state.
- Only electors may sign a petition.
- Do not use ditto marks.
- It is advisable to use a pen or indelible pencil for signing petitions.
- Only one circulator may collect signatures on any one sheet of a petition.
- All signers on any one sheet of a petition must be electors of the same county.
- The signature sheet affidavit must be completed for each sheet by the circulator of that sheet.
- It is unlawful for a person circulating a petition to knowingly make any false statement to any person who signs it or requests information about it.
- It is unlawful to circulate or file a petition knowing it to contain a false signature.

FOR SIGNERS

- Only electors may sign a petition.
- Do not use ditto marks.
- Sign your full name, as you did when you registered, and fill in the date on which you signed the petition, your residence address and your precinct in the spaces provided.
- If your signature is difficult to read, print your name clearly in the space provided.
- It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.
- A woman should sign her own name, not her husband's or her husband's initials; for example, "Mary A. Jones", not "Mrs. John A. Jones."
- It is unlawful to sign a petition more than once.
- It is unlawful for a person to knowingly sign a petition when not qualified to sign it.

MAIL COMPLETED PETITIONS TO: Hon. DREW DAVIS
 2136 NE 194th Ave. by NOV. 1, 1987
 Ph. 226-3739 PORTLAND, OR 97230

INITIATIVE PETITION

CHIEF PETITIONER: BYRON A.E. JACOBSON
 2204 SE 55th Ave.
 PORTLAND, OR 97215

BALLOT TITLE:
 (Title)

AN ACT

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

SECTION 1. An Act of the Legislative Assembly of the State of Oregon entitled: "An Act to incorporate the City of Portland, Multnomah County, State of Oregon, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved by the governor and filed in the office of the Secretary of State, January 23, 1903, as subsequently amended by said Legislative Assembly and by the people of the City of Portland from time to time, hereby is amended by:

SECTION 1.

Ordinance No. 159639, passed by the City Council on May 7, 1987
 is repealed.

ORDINANCE NO. 159639

An Ordinance relating to reform of the City's personnel system, amending Title 4, Personnel, of the Code of the City of Portland by adding new chapters, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. In November 1986 the electorate, by charter amendments, authorized reform of the personnel system of the City of Portland, through the transfer of administrative functions from the Civil Service Board to the Bureau of Personnel Services.
2. The charter amendments shall take effect on July 1, 1987. The charter, as amended, requires the Personnel Director to propose new personnel rules for Council adoption to be effective July 1, 1987.
3. The charter leaves to the Council responsibility to declare City policy for the City's new comprehensive system of personnel administration, according to which the new personnel rules will be drafted. The Bureau of Personnel proposes new ordinance chapters for inclusion in Title 4 of the City Code to provide that policy framework. The amendments embody or are based upon modern principles of personnel administration.

NOW, THEREFORE, the Council directs:

- a. Title 4, Personnel, of the Code of the City of Portland, Oregon, is hereby amended by adding Chapter 4.01, Personnel Policy and Chapter 4.02, Definitions, which shall hereafter be numbered and shall hereafter read as follows:

Chapter 4.01
PERSONNEL POLICY

Sections:

- 4.01.010 Policy Statement
- 4.01.020 Scope of Policy
- 4.01.030 Administrative Policies
- 4.01.040 Authority of Personnel Director
- 4.01.050 Duties of Personnel Director

4.01.010 Policy Statement. To ensure the provision of high quality services which are responsive to the needs of the community, it is the policy of the City Council to provide a fair and equal opportunity for public service to all interested citizens. It is also the policy of the City Council to provide for conditions of service which will attract, develop and retain officers and employees whose integrity, skills and abilities will promote excellence in the organization. To accomplish these policy objectives requires that the City Council authorize and direct the adoption of a uniform system of personnel administration.

4.01.020 Scope of Policy. The provisions of this chapter and of Chapter 3.18 hereby incorporated by reference, shall pertain to all employees in the classified service, provided that in the event of a conflict between a provision of this chapter or a rule adopted hereunder and the provisions of any collective bargaining agreement, the collective bargaining agreement shall prevail. The Personnel Director shall promulgate rules to carry out the provisions of this chapter.

4.01.030 Administrative Policies. The Rules promulgated under this chapter by the Personnel Director shall ensure the operation of the Personnel system in accordance with the following administrative policies:

A. RECRUITMENT AND SELECTION: Recruitment, selection, reinstatement, and advancement procedures will be job-related and based upon the relative ability, knowledge and skills required for the job. Selection procedures which are used as a basis for any employment decision must be validated, modified or changed in accordance with the Uniform Guideline on Employee Selection Procedures or otherwise demonstrated to be in accord with applicable federal and state laws.

B. COMPENSATION: The compensation plan shall be based upon a consistent method of evaluation which takes into account the following factors:

1. the classification's role and responsibility within the organization;
2. internal salary equity;
3. labor market considerations;
4. complexity or difficulty of the work;
5. other pertinent factors as determined by Council.

During the regular budgetary process, compensation ranges for all nonrepresented classifications shall be set for the upcoming fiscal year. The City recognizes the legitimate role of collective bargaining in determining compensation for represented employees.

C. CLASSIFICATION:

1. The classification plan will be based on an analysis of job-related factors, and shall be utilized for decision making on compensation, selection, employee development, career advancement, upward mobility and other personnel program activities. The classification plan shall be periodically reviewed and updated, and the proliferation of "single person classifications" shall be avoided.
2. Classification actions which require an additional appropriation of funds and/or which represent a programmatic change in the work function of the unit shall require the specific approval of Council. Responsibility for all other classification actions, including routine revision of classification specifications, shall be deemed to be approved by Council and shall take effect according to the rules promulgated by the Director under this chapter.

D. EMPLOYEE DEVELOPMENT: Employees will be trained to the extent practicable as needed to facilitate high-quality performance. In addition to providing training intended to improve performance, training should be developed as needed to prepare employees for more responsible assignments and to implement affirmative action plans for equal employment opportunity. Training programs should include systematic methods for assessing training needs, providing training to meet priority needs, selecting personnel for training, and evaluating the training provided.

E. EMPLOYEE RIGHTS: Employees who have acquired permanent status shall not be subject to separation except for cause, or such reasons as curtailment of work or lack of funds. Rules shall be established to provide for the periodic and systematic evaluation of job-related work performance in relation to organizational standards. Rules will provide for the transfer, demotion or separation of employees whose performance continues to be inadequate after reasonable efforts have failed to correct such performance. Appeals rights concerning disciplinary actions are as provided under applicable law or collective bargaining agreement.

F. DISCIPLINARY ACTION: Disciplinary action against an employee within the classified service shall be taken by the appointing authority, bureau manager or appropriate supervisory authority delegated such responsibility upon findings of cause. Such discipline may include but is not limited to an oral reprimand, written reprimand, demotion, reduction in pay, suspension or discharge for cause as enumerated in this chapter.

G. PROHIBITED ACTIVITIES: Cause for disciplinary action shall include but not be limited to the following:

1. Insubordination, inefficiency, incompetency, inadequate performance or nonperformance of assigned duties.

2. Neglect of duty or negligence in performance of duty causing a substantial risk of personal injury or damage to property.

3. The use of intoxicants, or illegal use or possession of controlled substances on the job, or reporting for work under the influence of intoxicants, or the use of drugs which create a substantial risk of injury to self or others or which impair work performance.

4. Habitual or excessive absence or tardiness, or abuse of sick leave privileges.

5. Absence from duty without authorization or failure to notify ones supervisor when unable to report to work on time.

6. Conviction of a felony, or conviction of any crime where the conviction would impair effectiveness as a City employee or bring discredit or reproach upon the City or bureau involved.

7. Violation of safety rules or policies.

8. Violation of the provisions of federal or state law, or of the City Charter, ordinances or any City rules or regulations including Bureau-specific policies.

9. Discourteous treatment of the public or other employees, offensive conduct or conduct unbecoming a City employee.

10. Willful disobedience or failure to follow a lawful supervisory directive.

11. Misuse of City property.

12. Dishonesty.

13. Fraud in securing employment.

H. OUTSIDE EMPLOYMENT:

1. City employees shall not engage in outside employment which is incompatible or in conflict with or reflects discredit on City service.

2. City bureaus shall develop a written policy on outside employment activities, which take into account specific bureau requirements, and include as appropriate the following general principles. Outside employment shall not:

a. involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City; or

b. involve actions which may later be directly or indirectly subject to the control, inspection, review or audit by the City; or

- c. involve receipt of money or other consideration for duties performed while in the employ of the City; or
- d. involve competing with the City in providing a service or product.
- e. involve such time demands as would render performance of the employee's duties less efficient or take precedence over extra duty required by City employment.

3. Details of outside employment shall be reported to the employee's hiring manager.

1. NEPOTISM PROHIBITED:

1. It shall be a violation of this chapter for an employee or official responsible for personnel decisions to show favoritism in such decisions toward an applicant or employee because the applicant or employee is a member of the official's family. This subsection shall apply in the case of any family relatedness, of whatever kind or degree.

2. It shall be a violation of this chapter for an employee or official to do either of the following:

a. Hold a position which requires or which enables the employee or official to directly supervise a family member, or evaluate the work performance of a family member, or evaluate the application for employment of a family member, or adjust an employment relations grievance or complaint of a family member; or

b. Take any action with respect to an individual, which because of a family relationship, would violate a federal or state law or rule, or would violate conditions of eligibility for financial assistance from federal or state government.

3. For purposes of subsection (2)(a) and (b), "family member" shall mean the employee's wife, husband, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild as provided in ORS 659.340(3)(b).

4. In the event a violation of subsection (2) of this section results from the existence of a family relationship before and at the time of the enactment of this Chapter, the bureau involved shall take corrective action as soon as practicable through transfers or reorganization or other personnel actions.

4.01.040 Authority of Personnel Director.

A. The Personnel Director shall formulate, administer and monitor those personnel policies and programs which have City-wide application, including labor contract negotiations and administration, employee benefits and compensation plans. In addition, the Personnel Director shall coordinate and monitor personnel programs in City bureaus which have an impact on the City's overall personnel administration, such as equal employment opportunity, affirmative action and training. The Personnel Director shall establish objectives for the Bureau of Personnel Services in terms which are measurable and conducive to reliable evaluation, and develop a plan for accomplishing these objectives and carrying out the directions of the Personnel Bureau.

B. In accordance with Chapter 3.18 of the Code, the Personnel Director is authorized to settle disputes arising from employment relations grievances.

C. In accordance with Oregon law and administrative rule, the Personnel Director or his designee, on behalf of the Council, may enter

into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.

D. The Personnel Director may delegate to a Bureau Head, pursuant to a written Delegation Agreement, certain operational functions in the administration of routine personnel actions, such as examination or classification. The Personnel Director shall establish Rules to carry out this Section. The Director shall maintain responsibility for such operational functions, and shall therefore review, monitor, and reserve the right to suspend delegation of operational functions when it is determined by the Director to be in the best interests of the City's personnel administration program.

E. The Personnel Director shall establish such advisory committees as necessary to ensure the development of a comprehensive human resources system which is responsive to the needs of City Council, City managers and employees.

4.01.050 Duties of Personnel Director.

A. The Director shall direct and supervise all administrative and technical activities of the Bureau of Personnel Services;

B. The Director shall develop and adopt regulations for the personnel system and classified service which must be approved by the Council. The regulations must include provisions for:

1. Recruitment, examination, certification and appointment on the basis of applicants' relative ability, knowledge, and skills, including open competition and consideration of qualified applicants for initial appointment to entry-level positions;

2. Preparation, maintenance and revision as necessary of the classification plan for all classified positions. The Director shall provide for adequate notice of all classification actions, establish a procedure for input and an appeals process, and shall undertake periodic review of the classification plan;

3. Preparation and maintenance of an equitable and adequate pay plan and ranges, for each class, grade or group of positions in the classified service;

4. Development of a "management service plan" which must be approved by Council, which recognizes the role and responsibility of City managers, and provides standards for their recruitment, retention and motivation, including provision of tailored compensation and benefits programs;

5. Progression through the pay rate ranges based on merit and fitness;

6. Providing training where practicable as needed to promote high quality work performance;

7. Establishment of guidelines for development and periodic review of work performance standards for each class of positions;

8. Prescribing the extent to which performance evaluation ratings must be considered in transfers, demotions, promotions, dismissals, salary increases and decreases, and all other decisions relating to employees' status;

9. Provision for disciplinary guidelines for nonrepresented and supervisory personnel which follow the principles of progressive discipline, and take into account the gravity of the offense in determining the appropriate level of discipline;

10. Appeals to the Civil Service Board from decisions made by the Director, pursuant to Section 4-106 of the Charter;
11. Provision for fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, marital status, sexual orientation, age, handicap, or other nonmerit-based factors and with proper regard for their privacy and constitutional rights as citizens;
12. Notice to employees of their employment rights and prohibited practices.
13. a. Establishment and maintenance of a centralized personnel records system pursuant to federal and state laws and regulations.
- b. Inclusion in the employee's personnel record at a minimum:
 - (1) employee's name;
 - (2) position title;
 - (3) salary;
 - (4) changes in employment status;
 - (5) other pertinent records as provided in the Rules pursuant to this chapter.

Chapter 4.02
DEFINITIONS

Sections:

4.02.010 Definitions

4.02.010 Definitions. As used in this Title and the Rules promulgated thereunder, except as the context requires otherwise, the following definitions apply:

1. AFFIRMATIVE ACTION: A set of specific, result-oriented procedures designed to identify attainable and measurable efforts for significantly increasing the utilization of minorities and females in all levels and classifications of employment in the work force. Also, a planned, coherent management program designed to effect changes to improve equal employment opportunities and to correct effects of past discrimination or to prevent discrimination.
2. APPLICANT: A person who has filed a timely application for a position.
3. APPEAL: A request for hearing which meets the requirements of this chapter and is filed with the Personnel Director.
4. APPOINTING AUTHORITY: The official or group of officials having authority to make appointment to positions in the City service.
5. APPOINTMENT: The designation by proper authority of a person to become an employee in a position.
6. BARGAINING UNIT: The unit designated to be appropriate as provided under the Public Employee Collective Bargaining Act for the purpose of collective bargaining.
7. BOARD: The Civil Service Board of the City of Portland, Oregon.
8. BUREAU: An administrative unit of City government.
9. CANDIDATE: A person whose application has been accepted for an examination.
10. CHARTER: The City Charter of Portland, Oregon as amended.
11. CITY: The City of Portland, Oregon.
12. CLASS or CLASSIFICATION: A position or group of positions in the City classified service sufficiently similar in duties,

responsibilities and authority to permit the same descriptive title, calling for similar qualifications and the same schedule of compensation.

13. CLASS SERIES: Two or more classes with duties substantially similar in kind but differing in level of difficulty, responsibility and supervision.

14. CLASS SPECIFICATION: The written description of a class containing the class number and title, statement of duties, functions, authority and responsibility, knowledge, skills and other qualifications required for appointment.

15. CLASS TITLE: The descriptive designation given to a class.

16. CLASSIFICATION PLAN: All the classes established under the provisions of the Charter and this chapter.

17. CLASSIFIED SERVICE: All City positions which are not specifically exempted under the Charter.

18. COUNCIL: The Mayor and Commissioners of the City.

19. DAY: One Calendar day.

20. DEMOTION: The change in status of an employee from a position in a higher class to a position in a class for which the maximum rate of pay is lower.

a. Involuntary demotion - the disciplinary demotion of an employee for cause.

b. Voluntary demotion - the demotion of an employee in order to retain employment upon imminent layoff, or for other nondisciplinary reasons.

21. DEPARTMENT: All the bureaus and offices under the administration of one elected official. This shall also include the division under the administration of the independent boards and commissions.

22. DIRECTOR: The Director of the Bureau of Personnel Services, to whom is delegated certain powers and duties under this chapter.

23. DISCRIMINATION COMPLAINT: A complaint that a personnel action was motivated by discrimination on the basis of race, color, religion, sex, age, marital status, national origin, family relationship, sexual orientation, handicap or political affiliation.

24. DISMISSAL: The removal or discharge of an employee from City employment.

25. ELIGIBLE: A person who has qualified through examination or other procedures as defined in the Rules to be certified for employment.

26. ELIGIBLE REGISTER: A list of persons who have been found eligible for employment in a particular class.

27. EQUAL EMPLOYMENT OPPORTUNITY: A directive that the hiring of persons into classified service shall be based solely on job related standards regardless of race, color, religion, age, sex, national origin, handicap, sexual orientation, marital status or political affiliation.

28. EXAMINATION: The overall process of testing, evaluating or investigating the fitness and qualifications of applicants. Examinations are of three categories:

a. Open Examination - An examination open to application by qualified employees and the general public.

b. Promotional Examination - An examination open to application by qualified employees in the classified service.

c. Noncompetitive Examination - An alternate selection process developed in accordance with Section 4-301(5) of the Charter.

29. EXCLUSIVE REPRESENTATIVE: The labor organization which, as a result of certification by the Employment Relations Board or recognition by the City, has the right to be the collective bargaining agent of all employees in an appropriate bargaining unit.

30. FULL-TIME POSITION: A position normally requiring the full services of an employee for at least nine-tenths of the normal working hours of a biweekly payroll period, or other work period established pursuant to FLSA, on a continuing basis.

31. JOB CATEGORY: One of the eight Federal Job Categories into which City classifications are grouped. Affirmative action goals are set in these categories:

Officials and Administrators	Paraprofessionals
Professionals	Office and Clerical
Technicians	Skilled Craft Workers
Protective Service Workers	Service/Maintenance

32. HIRING MANAGER: A City manager to whom authority has been delegated to make appointments in the classified service.

33. JOB SHARE: A full-time position designated by the appointing authority which is or may be shared by two employees.

34. LAY OFF: Separation without prejudice of a permanent employee from the classified service because of a lack of funds, curtailment of work, or other involuntary reasons.

35. LAYOFF REGISTER: A list of persons who have been laid off in a particular classification who are entitled to have their names certified for appointment to a position in that class.

36. MONTH: One calendar month.

37. NEPOTISM: Favoritism by an appointing authority or manager shown toward a subordinate employee or applicant because of a family relationship between two individuals.

38. PART-TIME POSITION: A position requiring the full services of an employee for at least half but less than nine-tenths of the normal working hours of a biweekly payroll period, or other work period as established pursuant to FLSA, on a continuing basis.

39. PERMANENT EMPLOYEE: An employee who has satisfactorily completed probation and is employed in either a full-time or part-time position.

40. PERSONNEL ACTION: Any action taken on behalf of the City with reference to an employee, an applicant for the classified service or a classified position.

41. PERSONNEL RULES: The Rules promulgated by the Director in order to implement and maintain the provisions of this chapter.

42. POSITION: A group of current duties and responsibilities assigned by an appointing authority, requiring the services of one person on either a full-time or part-time basis.

43. PROBATION: A working trial period for a stated term during which the employee is evaluated for fitness in the actual performance of the duties of the position.

44. PROHIBITED DISCRIMINATION: Discrimination based upon race, color, national origin, sex, religion, age, marital status, or handicap of an individual or class of individuals; family relationship, or handicap of any other person or class of persons with whom an individual associates; or discrimination because an individual has opposed prohibited (unlawful) discrimination, filed a discrimination complaint, testified, assisted or participated in any manner in any proceeding regarding prohibited

ORDINANCE No.

(unlawful) discrimination or has attempted to do so.

45. PROMOTION: A change in status of an employee from a position in a lower class to a position in a class for which the maximum rate of pay is higher.

46. RECALL: The reemployment of a former employee who was laid off due to lack of funds, curtailment of work or other involuntary reasons.

47. RECLASSIFICATION: The assignment of an existing position from one class to another class, based upon significant changes in the kind, difficulty and/or responsibility of duties.

48. REINSTATEMENT: The reappointment of a former City employee, who has voluntarily separated from City service, to a previously-held classification.

49. RESIGNATION: The voluntary action of an employee which separates the employee from the City service.

50. SEPARATION: Termination of employment for any reason. Reasons for termination include discharge, layoff, resignation, retirement and death.

51. STATUS: The standing of an employee with respect to right and tenure. The types of status are:

a. Permanent - An employee who has been retained in a position after satisfactory completion of probation as provided in the Rules.

b. Probationary - An employee who has been certified and appointed but who has not yet completed probation provided herein.

52. SUSPENSION: An involuntary absence with or without pay imposed by an appointing authority for disciplinary purposes or during the investigation of a disciplinary matter.

53. TEMPORARY EMPLOYEE: An employee who possesses the minimum qualifications established for the class and who has been temporarily appointed to fill a position for which no eligibles are currently available.

54. TRANSFER: Reassignment of an employee in one position to another within the same classification.

55. UNCLASSIFIED POSITIONS: Those positions which are exempt from classified service as designated in the Charter.

56. UNDERUTILIZATION: Having fewer minorities or women in a particular job category than would reasonably be expected given their presence in the relevant labor force.

57. VACANCIES: A budgeted position which has been declared by the appointing authority to be vacant and authorized to be filled.

58. VETERAN'S PREFERENCE POINTS: For purposes of veteran's preference points, a veteran is as designated in ORS 408.225

Section 2. The Council declares that an emergency exists in order to provide the Personnel Director with a policy direction for the rules to be drafted and proposed by the Personnel Director for Council adoption effective July 1, 1987; therefore, this ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council, MAY 7 1987

Commissioner Blumenauer
John E. Woods (0563G/d7-17)
April 29, 1987

BARBARA CLARK
Auditor of the City of Portland

By  Deputy

SIGNATURE SHEET

PETITION FOR () INITIATIVE () REFERENDUM

THIS IS A STATE-WIDE MEASURE.
SIGNERS OF THIS PAGE SHOULD
BE REGISTERED VOTERS IN
_____ COUNTY ONLY.

To the Secretary of State of Oregon: We, the undersigned electors, request that the attached measure be submitted to the people of Oregon for their approval or rejection at the election to be held on Nov. 8, 1988. (ORS 250.025) We have not previously signed a petition sheet for this measure. (Insert caption or subject of Act) _____ (ORS 250.045)

Print Name	Date Signed Month/Day/Year	Signature	Residence Address Street and Number	City or Post Office	Precinct
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

I, _____ hereby state that every person who signed this sheet did so in my presence, and I believe that each individual is an elector. (ORS 250.046)

Signature of Circulator: _____
Address: _____ Street _____
City _____

STATEMENT THAT PETITION CIRCULATORS WILL BE PAID

RECEIVED
JUN 9 9 17 AM '87
HARRIS CLARK
CITY CLERK
AUDITOR
CR.
52

I/we hereby declare that one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the attached petition/certificate. I/we understand that the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that no person is being paid for obtaining signatures.

Date _____ Signed: * _____

Candidate or committee name, or subject of initiative or referendum petition

*Statement must be signed by:

- a) candidate for petition for nomination;
- b) chief petitioners for initiative or referendum petition;
- c) chief sponsor for recall petition;
- d) chief sponsor for certificate of nomination;
- e) chief sponsor for minor political party formation petition.

STATEMENT THAT PETITION CIRCULATOR WILL NOT BE PAID

I/we hereby declare that no person will be paid money or other valuable consideration for obtaining signatures of electors on the attached petition/certificate. I/we understand that the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that any person is being paid for obtaining signatures.

Date 6-8-87 Signed: * Byron A. E. Jacobson

CITIZENS FOR OPEN POLITICS COP
Candidate or committee name, or subject of initiative or referendum petition

*Statement must be signed by:

- a) candidate for petition for nomination;
- b) chief petitioners for initiative or referendum petition;
- c) chief sponsor for recall petition;
- d) chief sponsor for certificate of nomination;
- e) chief sponsor for minor political party formation petition.

REFER TO INSTRUCTIONS
ON REVERSE SIDE

STATEMENT OF ORGANIZATION AND APPOINTMENT OF POLITICAL TREASURER (ORS 260.042)

ORIGINAL
 AMENDMENT

<p>1. Complete Name of Committee: <i>CITIZENS FOR OPEN POLITICS</i> <i>2136 N.E. 194TH</i> <i>PORTLAND, OR 97230</i></p> <p>Abbreviation or Acronym: <i>COP</i></p>	<p>2. This committee intends to be active in the following:</p> <p><input type="checkbox"/> PRIMARY 19____ <input type="checkbox"/> OTHER _____ (Date)</p> <p><input checked="" type="checkbox"/> GENERAL 19<i>88</i> <input type="checkbox"/> CONTINUOUS</p> <p><input type="checkbox"/> Discontinue: No longer active</p>
<p>3. Nature of Committee: (i.e., Principal interest represented and/or name of organization, corporation, company, union, etc.)</p> <p><i>OPEN GOVERNMENT</i></p>	<p>4. How does committee intend to solicit funds?</p> <p><input checked="" type="checkbox"/> Direct Mail <input checked="" type="checkbox"/> Personal Contact <input checked="" type="checkbox"/> Banquets</p> <p><input checked="" type="checkbox"/> TV Commercials <input checked="" type="checkbox"/> Newspaper Ads <input checked="" type="checkbox"/> Radio</p> <p><input type="checkbox"/> Other _____</p>

5. Address (Address must be of a residence, office, headquarters or similar location where committee or officer thereof may be conveniently located) (ORS 260.042(a)).

Street or Rt. No. *2136 N.E. 194TH* City *PORTLAND* Zip Code *97230* Telephone *226-3739*

NOTE: All correspondence will be sent to treasurer's mailing address as shown below.

<p>6. Name of Committee Treasurer</p> <p><i>DREW DAVIS</i></p>	<p>Mailing Address and Zip Code</p> <p><i>2136 N.E. 194TH / PORTLAND OR, 97230</i></p> <p>Telephone Home: <i>226-3739</i> Business: <i>255-1140</i></p>
--	--

<p>7. Names of Committee Directors</p> <p><i>BYRON A.E. JACOBSON</i></p>	<p>Address and Zip Code</p> <p><i>2204 S.E. 55TH PORTLAND, OR 97215</i></p>	<p>Occupation</p> <p><i>RETIRED</i></p>
--	--	---

8. If two or more directors of this political committee are also directors of other political committee(s), complete this section:

Name of Directors	Names and Addresses of Other Committees
<i>N/A</i>	

<p>9A. SUPPORTING OR OPPOSING SPECIFIC CANDIDATE(S):</p> <p>List by name, office sought, and party affiliation, any candidate for public office this committee is supporting or opposing.</p> <table border="1"> <thead> <tr> <th>Full name of Candidate / Office Sought / Party</th> <th>Support</th> <th>Oppose</th> </tr> </thead> <tbody> <tr> <td>1. _____</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>2. <i>N/A</i></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>3. _____</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Full name of Candidate / Office Sought / Party	Support	Oppose	1. _____	<input type="checkbox"/>	<input type="checkbox"/>	2. <i>N/A</i>	<input type="checkbox"/>	<input type="checkbox"/>	3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<p>9. PURPOSE OF COMMITTEE</p>	<p>9B. SUPPORTING OR OPPOSING A MEASURE(S) OR PROPOSED MEASURE(S):</p> <table border="1"> <thead> <tr> <th>Measure Title / Date of Election</th> <th>Support</th> <th>Oppose</th> </tr> </thead> <tbody> <tr> <td>1. <i>REPEAL OF HOMOSEXUAL SPECIAL RIGHTS LEGISLATION</i></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>2. _____</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>3. _____</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Measure Title / Date of Election	Support	Oppose	1. <i>REPEAL OF HOMOSEXUAL SPECIAL RIGHTS LEGISLATION</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. _____	<input type="checkbox"/>	<input type="checkbox"/>	3. _____	<input type="checkbox"/>	<input type="checkbox"/>
Full name of Candidate / Office Sought / Party	Support	Oppose																								
1. _____	<input type="checkbox"/>	<input type="checkbox"/>																								
2. <i>N/A</i>	<input type="checkbox"/>	<input type="checkbox"/>																								
3. _____	<input type="checkbox"/>	<input type="checkbox"/>																								
Measure Title / Date of Election	Support	Oppose																								
1. <i>REPEAL OF HOMOSEXUAL SPECIAL RIGHTS LEGISLATION</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																								
2. _____	<input type="checkbox"/>	<input type="checkbox"/>																								
3. _____	<input type="checkbox"/>	<input type="checkbox"/>																								
<p>9C. SUPPORTING OR OPPOSING ENTIRE TICKET OF A PARTY:</p> <table border="1"> <thead> <tr> <th>Name of Party</th> <th>Support</th> <th>Oppose</th> </tr> </thead> <tbody> <tr> <td><i>N/A</i></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Name of Party	Support	Oppose	<i>N/A</i>	<input type="checkbox"/>	<input type="checkbox"/>	<p>9D. <input type="checkbox"/> Miscellaneous: Committee intends to support or oppose various candidates or measures to be determined per election.</p>																			
Name of Party	Support	Oppose																								
<i>N/A</i>	<input type="checkbox"/>	<input type="checkbox"/>																								

10. Treasurer's Signature: *[Signature]* Date: *6-8-88*

Any change in information in this statement of organization must be reported on an amended statement of organization, SED Form 221, within 10 days of the change. If additional space is needed use the back of this form. Designate number of section(s) being completed. Please submit completed form in duplicate. Dated copy will be returned as an acknowledgement of your filing.

OFFICE USE ONLY

RECEIVED JUN 9 9 17 AM '88

PERSONNEL POLICY ORDINANCE

6/8/87

Mike,

I've attached an article from Monday, June 6, Oregonian, in which Drew Davis is announcing his plans for a press conference Tuesday, June 7, 9:30 am.

In addition to announcing his plans for an initiative petition on portions of the ordinance, he reported that he would be calling for the dismissal of one City employee who "obscured" information so that City Commissioners were not aware of the sexual orientation provisions. The most likely candidates seem to be someone from personnel, someone from Earl's office, or me. I thought that you should be prepared for that.

His press conference is scheduled for the same time that you have your press conference scheduled at the Schnitz.

I have attached a copy of an office memo drafted in Earl's office to answer questions dealing with the issue, and they have suggested that all statements be referred their direction.

But in the case that you are asked, I though that I should lay out, to my best recollection, my comments to the gay press about the passage of the ordinance that appeared in City Week. My comments were in response to the ordinance, rather than in anticipation of it's passage. My comments that were quoted in City Week came, ironically, in rewnsponse to questions as to why I had not notified the gay community and press about the impending passage of the personnel ordinance. I indicated that it was already policy, that the ordinance included numerous items including this one provision, and that notifying them would red-flag something that was only a part of a greater ordinance.

Here are some suggested points:

- 1) The City Council, in 1974, passed a resolution which guaranteed that city employees would be judged on the merits of their work, rather than who they loved.

- 2) That policy has not changed, and I don't think that it should be changed. There are some people who think our city government should spend taxpayer dollars snooping on its employees and making judgements about who they love. They would try to push their personal beliefs off on others, and take away the jobs of those who they feel don't measure up to their standards.

- 3) I don't want to place judgements on their intentions, but I have a different view. I think everyone who can work should be able to work. I think that government is not in the business of judging who a person loves, and rating them according to some moral scorecard. Drew Davis and Gordon Shadburne attempted this in the County a few years ago, and we all saw the devastating effect that had on the lives of so many. It is simply wrong.

- 4) The personnel ordinance we passed included numerous changes, but this was not one of them. This simply restates the policy of fairness that has served our City well for the last 13 years.

Sex bias ordinance protested

By GORDON OLIVER
of The Oregonian staff

Former State Rep. Drew Davis said Sunday that an initiative petition would be filed Tuesday in the city auditor's office, directing the Portland City Council to repeal portions of a recently adopted personnel ordinance that bans discrimination based on sexual orientation.

Davis said he would not be the lead petitioner for the initiative campaign because he is a Lake Oswego resident and not eligible. He said the petition would be filed on his behalf by a Portland resident.

Backers of an initiative would need 23,719 signatures of registered Portland voters by February in order to qualify for a place on the May 1988 primary election ballot, said Sandra M. Laubenthal, elections manager in the city auditor's office. That number represents 15 percent of the Portland voters who cast ballots in the 1986 general election, she said.

Davis said he intended to ask at a news conference Tuesday that a city employee be dismissed for "obscuring" information about the personnel ordinance so that some city commissioners were not fully aware of non-discrimination provisions related to sexual orientation. Davis said he would identify the employee Tuesday.

The initiative would direct the council to repeal the sexual orientation provisions in the personnel ordinance and then hold a public hearing if such language is to be considered as part of the city's personnel policies, he said. The council would be allowed under the initiative to approve non-discrimination measures based on sexual orientation after public hearings, Davis said.

Davis and others have been critical of the City Council for approving the personnel policy changes with what they believe was inadequate public notice.

In a related development, the group Concerned Citizens for Portland has asked Mayor Bud Clark to schedule a City Council hearing to reconsider the personnel ordinance, which was adopted unanimously May 7 by the council. The council will decide Wednesday whether to allow testimony or whether to schedule a public hearing.

The citizens group has informed Clark by letter that it will offer a "solution to the problem that will help all parties involved." Earl C. "Mike" Lowry, treasurer of Concerned Citizens for Portland, would not disclose what "solution" would be offered.

Lowry said his organization would support Davis' initiative petition if it was not satisfied with the council's response to the organization's request.

Clark continues to support the personnel ordinance's prohibition against discrimination based on sexual preference, said Charles P. Duffy, the mayor's press aide. "The mayor is not interested in reconsidering the ordinance," Duffy said. "There's no reason to discriminate in hiring practices, and that has been the policy of the city since 1974."



DATE: June 5, 1987

TO: Constituent Staff

FROM: Earl

SUBJECT: PERSONNEL POLICY ORDINANCE

Since you handle the bulk of constituent phone calls, I am providing a brief outline below of the key factors which are most relevant in addressing questions concerning the recently passed personnel ordinance.

1. The ordinance passed on May 7 dealt with personnel policy comprehensively, not with a single specific issue such as discrimination or, even more narrowly, discrimination on the basis of sexual orientation. Its purpose was to implement the merger of the city's civil service and personnel functions, as mandated by the voters in approving Measure 51 in November. In the course of effecting that merger, the ordinance also restated existing city personnel policies, including the existing discrimination policy.
2. The ordinance was developed in an open process that featured an unusually high level of involvement by the city bureaus that are governed by city personnel policy. A new Personnel Advisory Committee of bureau managers reviewed the ordinance line-by-line and obtained input from other bureaus and their respective commissioners.
3. As noted, the ordinance reflects existing city policy barring discrimination based on sexual orientation. That policy was established by a resolution adopted by the Council on December 18, 1974, and the city has been operating accordingly for the last 13 years.
4. The current policy prohibiting discrimination on the basis of non-job-related factors makes sense, is probably required by federal law, and I see no reason to change it. No other member of the Council has expressed to me an interest in changing this policy. The policy does not mandate special treatment to any group; it does protect any individual's right to be evaluated on job performance and nothing else.
5. It is the right of any citizen or group of citizens to use the initiative process to affect policy with which they disagree. We support that right while disagreeing that this particular change would be in the City's best interest.

Please see attachments for additional background.

Issue of age
~~Personnel Ordinance~~ lived 6/10/87

①
②
③



Here are some suggested comments in response to the request for repeal of the personnel ordinance by the Concerned Citizens for Portland:

- 1) The City Council, in 1974, passed a resolution which guaranteed that City employees would be judged on the merits of their work, rather than who they love. *on their private lives:*
- 2) That policy has not changed with the passage of this ordinance, and I don't think that it should be changed. The personnel ordinance that we passed included many things, including references to non-discrimination based on religion, race, national origin, sex, age, etc.
- 3) There are some people who think our City government should spend taxpayer dollars snooping on its employees and making judgements about who they love. They would try to push their personal beliefs off on others, and take away the jobs of those who they feel don't measure up to their standards. *are involved with.*

20 mil. \$

These people would take away the jobs of over 20 million Americans, and place them on public assistance, simply because they don't agree with who a person loves. That translates into thousands of Portland citizens who would lose their jobs if these intolerant ~~birds~~ people had their way- that doesn't make sense morally or economically.

When Governor Goldschmidt was elected last year, one of the things that he said was that we weren't leaving anyone behind in the Oregon Comeback. That included everyone, including our gay citizens. These people today would have us go back on that promise, and put thousands of gay citizens on public assistance. It doesn't make sense.

4) I don't want to place judgements on their intentions, but I have a different view. I think everyone who wants to work should be able to work. I think that government is not in the business of judging who a person loves, and rating them according to some moral scorecard. Drew Davis and Gordon Shadburne tried this in the County a few years ago, and the effects were devastating. It is simply wrong.

5) The personnel ordinance that we passed included numerous changes, but this was not one of them. This simply restates the policy of fairness that has served our city well for the last 13 years.

Concerned Citizens

I think of all the problems in our society - jobs, hungry, no sleep, children,

curse, but I don't want to see work they should be judged on their merits

CITY COUNCIL HEARING
ORDINANCE NO. 159369
JUNE 10, 1987

JOE LUTZ
5631 SE 83RD AVENUE
PORTLAND, OREGON 97266

Thank you, Mr. Mayor and our City Commissioners, for the opportunity to propose changes concerning Ordinance No. 159639 which you passed on May 7, 1987.

For the record my name is Joe Lutz and I reside at 5631 SE 83rd Avenue here in the City of Portland. I am speaking as Chairman of Oregon Citizens Alliance, which is a statewide, county by county, political educational and action organization. Additionally, I have been asked to speak in behalf of Concerned Citizens for Portland whose Chairman is Allan Berg of Portland.

I think it important to state what I think to be facts as I understand them before I proceed with my proposal. If I am incorrect in my statements I would be happy to be corrected so that the remainder of my comments would be given in a proper context.

1. The City Council passed RESOLUTION NO. 31510 on December 18, 1974, which among other things determined that "sexual orientation" was not a job-related factor, and thus was not a justification for personnel decisions.
2. The City Council passed ORDINANCE NO. 159639 on May 7, 1987 which established new personnel rules in preparation for the merger of the City's civil service and personnel systems, pursuant to the civil service reform charter amendment of last November.
3. ORDINANCE NO. 159639 included terminology concerning "sexual orientation" that brought the legal position of the City in line with and matching the longstanding resolution position of the City, as pertaining to the personnel policy, dating back to December of 1974.

Mr. Mayor and Commissioners, hoping that I have stated this in a clear manner, could you please tell me if the three points for clarification are correct?

If the news accounts which I have received are indeed correct, then at least two of our commissioners were not aware of the addition of the "sexual orientation" language. According to other news accounts those same two commissioners have made it clear that if they had been aware, they would

have still voted in favor of passage of the ordinance, no matter what.

According to a letter to Mr. Allan Berg, dated June 3, 1987, Commissioner Blumenauer stated as follows:

"This Ordinance--as with all proposals for Council action--followed the normal procedures required by the City code. The Mayor, City Commissioners, City Auditor, City Attorney, Office of Fiscal Administration and the Oregonian all received the Ordinance in its entirety on the Friday preceding the May 7th hearing. Additionally, the Council Calendar was published in the Daily Journal of Commerce on the Tuesday prior to the hearing, which fulfilled the public notification required by law. In short, the claim that public notification was nonexistent and that the Ordinance was brought forward in a less than open manner is without foundation."

Having researched the process of notification that this Council followed, I concluded that you have apparently fulfilled the requirements of the law.

Finally, the key to my proposal is found in Commissioner Blumenauer's letter to Mr. Berg, wherein he states:

"My office has received requests for a public hearing on the "sexual orientation" provision of this Ordinance. I see no point in revisiting the issue since there has been no change in the current City policy and no one has demonstrated a valid need for changing it. The other Council members have not indicated to me that they wish to change the existing policy. Any Commissioner who wishes to change the policy can bring this matter before the Council. It does not require a majority to become involved."

PERSONNEL ORDINANCE - NO. 159639

In November, 1986, Portland voters passed Ballot Measure 51, which, among other things, merged the functions of the Personnel Bureau and the Civil Service Board.

From December, 1986 to April, 1987 final language for the ordinance was drafted. It included a synthesis of past ordinances, policies, and resolutions along with new additions, such as management services.

One of the items that was incorporated into the ordinance was a non-discriminatory resolution, passed by Council by a 3-2 vote in 1974, which stated policy related to sexual orientation. A copy of that resolution is attached. The recently passed Personnel Ordinance incorporated that policy in three places:

- A. Page 6, Chapter 4.01.050, under Duties of Personnel Director, item #11.
- B. Page 7, Chapter 4.02.010, under Definitions.
 1. Item #23, Discrimination Complaint
 2. Item #27, Equal Employment Opportunity

The language is not included in one other section, page 8, Prohibited Discrimination, where unlawful discrimination based on state and federal law is discussed.

The continuation of this policy on non-discrimination was a response of the Personnel Department, rather than a directive from any Commissioner's office.

Current Actions Being Taken

1. Drew Davis has sent a letter to all City Commissioners and the Mayor asking for removal of the portion of the ordinance dealing with non-discrimination based on sexual orientation. Davis threatens to file an Initiative To Repeal if the Council does not act. (Copy attached).
2. Commissioner Blumenauer is requesting information from the City Attorney's office regarding timelines, number of signatures required in an initiative to repeal, etc.
3. Chris Tobkin plans to talk with Fred Milton to firm up Koch's commitment on all of the provisions of the ordinance. In addition, she plans to talk with Bob Stacey regarding the possibility of John Woods sending a memo to Commissioners referring to the passage of this portion of the ordinance as nothing more than continuation of past policy.

Decisions To Be Made

1. Should Council consider repeal of the references to "Sexual Orientation."

Discussion: Any change in the status of the ordinance is a decision of Council, and would need to be weighed against other factors:

- A. Would the Gay and Lesbian community, along with their friends be willing to fight an initiative to repeal if such an initiative made it to the ballot?
 - B. What is the view of other Commissioners, especially Koch and Bogle, and what would be the substance of their public statements?
 - C. What effect would the presence of such an initiative have on other races on the same ballot?
2. If Council does not repeal, and the initiative to repeal proceeds, what are the chances of Drew Davis successfully collecting the valid 24,000 signatures?
 3. If we go to the ballot, can we win?
Discussion: The recent Bardsley poll, showing that 52% of Oregonians think that individuals' sexual orientation should not be an issue in employment, gives one reason for hope. I am meeting with a friend from Bardsley on Thursday to obtain additional polling information, especially of urban samples.

Recommendations

1. Continue to gather information so that the best decision can be made.
 - A. Polling from Bardsley
 - B. Discussion with other Commissioners, especially Koch, to firm up their opinions.
 - C. Meet with Gay community leaders to gain a sense of their direction, build support, etc.
2. Take the following approach publicly:

The City Council, in 1974, passed a resolution which guaranteed that city employees would be judged on the merits of their work, rather than who they loved.

That policy has not changed, and I don't think it should be changed. There are some people who think our city government should spend taxpayer dollars snooping on its employees and making judgments about who they love. They would try to push their personal beliefs off on others, and take away the jobs of those who they feel don't measure up to their standards.

I don't want to place judgment on their intentions, but I have a different view. I think everyone who can work should be able to work.

Personnel Ordinance
No. 159639
Page Three

I think that government has no right to snoop on law-abiding citizens and rate them on their moral scorecard. That's simply wrong.

The Personnel Ordinance we passed included numerous changes, but this was not one of them. This simply restates the policy of fairness that has served Portland well for the last 13 years.

5/26/87
KL:ak

MIKE:

Please note that two letters have arrived since this was typed, both from Henry Kane, and both attached. One calls for the repeal of the ordinance or the repeal of the section, and the other requests all public records.

~~City of Lake Oswego~~

KL
7/8

RECEIVED
COMMISSIONER
LINDBERG'S OFFICE

Drew Davis

MAY 15, 1987

MAY 18 1987

DEAR CITY COMMISSIONER:

AS YOU ARE AWARE, THE CITY COUNCIL PASSED ORDINANCE 159639 MAY 7, 1987. WHAT YOU MAY NOT BE AWARE OF IS THAT BURIED IN THE ORDINANCE WAS THE SO CALLED "HOMOSEXUAL RIGHTS LEGISLATION".

I WAS UNABLE TO FIND ANY PUBLIC NOTICE OF SUCH HEARING AND AFTER TALKING WITH MANY OTHER CITIZENS FIND THEY WERE UNAWARE ALSO. KNOWING THAT YOU WANT TO REPRESENT THE WILL OF THE PEOPLE I REQUEST YOU INTRODUCE REPEAL OF THE HOMOSEXUAL RIGHTS PORTION OF THIS ORDINANCE BY MAY 25TH.

IF, HOWEVER, YOUR FELLOW COMMISSIONERS DO NOT SEE FIT TO DO THE ABOVE, I WILL, AS I DID IN 1985, HEAD THE REPEAL EFFORT OF THE ABOVE ORDINANCE. THE SAME SUCCESSFUL CAMPAIGN STRATEGIES WILL BE EMPLOYED.

REGARDS,


DREW DAVIS

**City Employee Violates Open Process of Government:
Commissioners Refuse to Take Action**

By Drew Davis

A major distinguishing factor between an open society and a closed totalitarian system is the degree to which each allow the people a voice in the lawmaking process. The writers of our constitution were determined to build a nation based on the principles of an open society. The constitutional document they produced, 200 years ago, established a nation of the people, for the people, and by the people.

In 1973, the Oregon Legislature reaffirmed the basic right of the people to control governmental actions with the enactment of the Open Meetings Law. This law requires "that decisions of governing bodies be arrived at openly" -- this is not just a good idea, it's THE LAW.

Nevertheless, recent actions spearheaded by an appointed, non-elected City of Portland official, and condoned by the city commissioner he works for, have grossly violated the Open Meetings Law and the basic premise our nation was founded on.

After a group of city administrators included provisions granting special rights to homosexuals in a routine housekeeping ordinance, Keeston Lowery, special assistant to Commissioner Mike Lindberg, orchestrated a behind-the-scenes scheme to sneak these provisions through the ordinance approval process.

Lowery's deliberate intent to cover-up the homosexual provisions has been verified by City Week, Portland's gay newspaper. According to the May 8 issue of this newspaper, a technical error was discovered with the homosexual language before the ordinance was approved by the city council. City Week reported that an amendment correcting the error was "not proposed to the counsel(sic) for fear it would 'red flag' the legislation for anti-gay forces." City Week credits the information to Lowery.

In fact, Lowery was so effective in his cover-up scheme that The Oregonian reported on May 23, that even City Commissioners Mike Lindberg, Dick Bogle and Bob Koch did not know that the homosexual provisions were in the ordinance when they voted for it -- a majority of the city council.

Furthermore, the ordinance title makes no mention of these provisions and the notice for a public hearing of the ordinance omitted any reference to the homosexual provisions. At the very least, this is in violation of the Open Meetings Law which mandates that public notices "include a list of the principal subjects anticipated to be considered at the meeting." The important point of this legal provision is the requirement for a "list" of "principle" subjects. All reasonable people would agree that a controversial issue such as the granting of special rights for homosexuals qualifies as a "principle" issue warranting public debate. Clearly, the public outcry that has resulted from the actions of Lowery and others to hide these provisions from public view, demonstrates that the public considers them to be a "principle" issue.

Unfortunately, attempts by myself and others to persuade commissioners to reconsider this matter and schedule a hearing for public debate ended on June 10, when three of the five commissioners, Mike Lindberg, Earl Blumenauer and Bud Clark, voted to deny the people their rights to an open process.

As the executive director of Citizens for Open Politics, I am directing an initiative petition aimed at placing this ordinance before the voters. The intent of this initiative is to restore to the citizens their rights to participate in an open governmental system. Joe Lutz and his organization, Oregon Citizens Alliance, is helping with this effort.

Lowery's misdeeds also include the use of city time to make a prank statement about the dreaded AIDS disease. As I was working

on the papers at City Hall to begin the initiative to open the government process, Lowery approached me, and with a howl of laughter, offered to shake my hand as he wore yellow, rubber gloves on his hands -- a flippant gesture towards AIDS. This action was an outrageous display of prejudiced insensitivity toward the millions of people infected with AIDS. The AIDS epidemic is a serious matter. To make light of it is highly alarming. Equally disturbing is the fact that, as a city employee on city time, city taxpayers unknowingly paid Lowery for this stunt.

In addition to the initiative, I have also called for Lowery to be fired from his job. His actions to orchestrate a cover-up of homosexual special rights provisions, and his misuse of city time are flagrant and contemptible violations of his duties that must be dealt with. Nevertheless, his boss, Commissioner Mike Lindberg has refused to take any action. Instead, he has chosen to help cover-up these abuses by stooping to name calling and the forwarding of lies about me, my motives and the motives of Citizens for Open Politics for pursuing the petition effort. The Oregonian on June 10, quotes Lindberg as saying that those who support the initiative are "intolerant bigots." Lindberg has also charged that I and members of Citizens for Open Politics have demanded that a list be prepared naming the homosexual employees of the city. This accusation is an absolute lie -- it is a smokescreen designed to distract attention away from, and discredit my actions to protect the people's right to participate in city decisions.

Lowery also charged in The Oregonian on June 10, that "Drew Davis has never hidden his goal of wanting to fire gays." Again, this is an outright lie and an attempt to deflect attention away from his deeds that have violated the open process of government.

My position is clear. I regard the primary issue to be the

open process of government and not special rights for homosexuals. It is true that I do not support the inclusion of provisions in the law that condone homosexuality as an acceptable lifestyle; however, it is not my belief, nor has it ever been my desire to fire homosexuals because they are homosexuals.

I am requesting that those opposed to myself, and the efforts of the Citizens for Open Politics, refrain from the mud slinging, AIDS-bashing tactics they have employed to date. The citizens of Portland deserve an open system of government that does not try to sneak controversial measures into the lawbooks. They also deserve city leaders that deal forthrightly with the issues at hand without the use of name calling tactics and outright lies about those they disagree with.

#30#

June 22, 1987

Hon. Drew Davis
2136 NE 194th Ave.
Portland, Oregon 97230
255-1140 or 635-6340



CITY OF
PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Barbara Clark, City Auditor
Clerk of the Council
Nancy Dunford
1220 S.W. 5th, Rm. 202
Portland, Oregon 97204
(503) 248-4086

COMMISSIONER
LINDBERG'S OFFICE
RECEIVED

May 21, 1987

MEMORANDUM

TO: COUNCIL MEMBERS

FROM: Nancy Dunford, Clerk of the Council 

SUBJ: Correspondence on Prior Council Calendar Items

MAY 22 1987

I am attaching copies of two letters for your review and whatever action you deem appropriate.

The first letter is in reference to Calendar No. 700, May 7, 1987, Ordinance No. 159639. A copy has been forwarded to John Woods, Director, Personnel.

The second letter is in reference to Calendar No. 773, May 20, 1987. This item has been referred to the Mayor's Office.

nd

Attach.

cc: Barbara Clark, City Auditor
John Woods, Personnel (Kane letter only)

HENRY KANE
ATTORNEY AT LAW
12275 S.W. 2ND
P.O. BOX 518
BEAVERTON, OREGON 97075

AREA CODE 503
TELEPHONE 646-0566

May 20, 1987

Hon. Bud Clark, Mayor,
and Commissioners
Portland City Council
City Hall
Portland, OR 97201

Re: pending referendum on "gay rights" provisions of Portland
City Ordinance No. 159639, enacted May 7, 1987

Dear Sirs:

This letter is written on behalf of Portland residents who oppose the "gay rights" provisions of the above-identified ordinance and have directed me to prepare a referendum to repeal said ordinance.

My clients request the City Council, in the alternative, to repeal the "gay rights" provisions of the ordinance, or to repeal said provisions and reenact them in a short, separate ordinance.

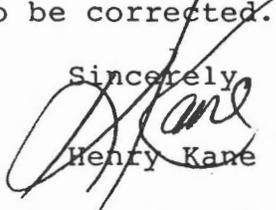
As the City Council may recall, Multnomah County enacted a "gay rights" ordinance. It was promptly referred, and rather than face an election, the Multnomah County Board of Commissioners repealed the referred ordinance.

I believe the same fate awaits said ordinance or the suggested shorter "gay rights" ordinance. If the entire ordinance is referred, "the baby will be thrown out with the bath water," and the Council may experience difficulty in reenacting the ordinance without the "gay rights" provisions.

In addition, printing the entire nine-page ordinance in a voters' pamphlet would be somewhat expensive.

If the Council rejects repeal, and prefers to repeal and re-enact, I suggest repeal of "sexual orientation * * * or other nonmerit-based factors and with proper regard for their privacy and constitutional rights as citizens" of Section 4.01.050 B. 11; "sexual orientation" in subsections 23 and 27 of Section 4.02.010 and "or class of persons with whom an individual associates" of Section 4.02.010 44. I would be happy to work with the City Attorney.

The enclosed copy of the May 8, 1987 City Week article titled "Council Approves Jobs Bill/New Ordinance Protects Gay City Workers" indicates the "gay rights" provisions were kept secret from the media and the public, but I stand to be corrected.

Sincerely,

Henry Kane

6/2/87
copies to
Mayor
4 Commissioners
Woods
Barbara Clark

encl.

cc: City Attorney

HENRY KANE
ATTORNEY AT LAW
12275 S.W. 2ND
P.O. BOX 518
BEAVERTON, OREGON 97075

KL
RECEIVED
COMMUNICATIONS
LIBRARY & ARCHIVE
AREA CODE 503
TELEPHONE 646-0566
May 25, 1987

Hon. Earl Blumenauer, Commissioner
Portland City Hall
Portland, OR 97204

MAY 26 1987

Re: Public Records Law request for "sexual orientation" documents

Dear Commissioner Blumenauer:

This request is made pursuant to ORS 192.410 to 192.500, the Public Records law, and pertains to the following quotations in the May 23, 1987 Oregonian article titled "Officials defend ban on sexual orientation bias:"

- (1) "Blumenauer said the new ordinance formalized city policy in effect since 1974, when the council approved a resolution prohibiting discrimination in hiring practices on the basis of sexual orientation."
- (2) "Blumenauer said that while the City Council did not debate publicly the reference to sexual orientation, no effort was made to keep the issue quiet."

"'It went through a very open process,' Blumenauer said."

Pursuant to the Public Records Law, and at my cost, I request a copy of the alleged 1974 forbidding discrimination in hiring practices on the basis of sexual orientation, and all public documents the City of Portland, you or your staff printed/reproduced/distributed/disseminated to organizations and persons other than persons employed by the City of Portland, announcing/disclosing/referring to the fact that the proposed ordinance/ordinance forbids discrimination on the basis of sexual orientation.

I am particularly interested in learning if you or the City of Portland notified the media, or any part thereof, prior to, on, or after, May 7, 1987 of the "sexual orientation" provisions of what is now Ordinance No. 159639, and if you or the City of Portland notified any homosexual organization of the ordinance prior to its May 7, 1987 passage.

The first edition of the May 23, 1987 Oregonian article quotes you as stating in the next to final paragraph:

"Blumenauer said the county commissioners backed off and repealed the county statute in 1985 because they did not want to spend money on an election."

The above quotation is not in the May 23, 1987 Oregonian article titled "Officials defend ban on sexual orientation bias."

Hon. Earl Blumenauer, Commissioner
May 25, 1987
Page Two

By coincidence I was present when the Multnomah County Board of Commissioners repealed the county's "gay rights" ordinance referred to the voters.

My recollection is that you and the other commissioners who spoke in favor of repeal said they would vote to repeal the ordinance to avoid the trauma of overwhelming rejection by the voters.

I don't recall that you or any other county commissioner said repeal was supported to save the cost of an election, but stand to be corrected.

Many thanks for your courtesies in this matter.

Parenthetically, the City Council can show "good faith" by, on the same day, repealing and reenacting Ordinance No. 159639. This would give opponents 30 days to refer the new ordinance.

Of course, it also would put Commissioners on the spot on the "gay rights" issue, for The Oregonian article said:

"City Commissioners Mike Lindberg and Dick Bogle said this week they were not aware that the policy contained a reference to sexual orientation when they voted for it but would have voted for it anyway."

Sincerely,



Henry Kane

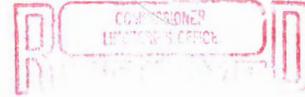
cc: Hon. Bud Clark
Hon. Mike Lindberg ✓
Hon. Dick Bogle
Hon. Bob Koch
Wayne Hilliard and Don Hortsch, Oregonian
Willamette Week
Mark Sanchez, Channel 6

881
KL



CITY OF
PORTLAND, OREGON
DEPARTMENT OF PUBLIC WORKS

Earl Blumenauer, Commissioner
1220 S.W. 5th, 4th Floor
Portland, OR 97204
(503) 248-5577



May 29, 1987

JUN 1 1987

Dear Mr. Kane:

In response to your May 25th letter, I am providing you with a copy of Resolution No. 31510 adopted by the Portland City Council on December 18, 1974. You also requested "all public documents the City of Portland ... disseminated to organizations and persons other than persons employed by the City of Portland announcing ... that (Ordinance No. 159639) forbids discrimination on the basis of sexual orientation." I am not aware of any such documents. I am forwarding your letter to both Personnel Director John Woods and City Attorney Jeffrey Rogers with the request that they determine whether there are documents covered by your request, and that they make available to you any such documents as provided in the Public Records Law.

Sincerely,

Earl Blumenauer
Earl Blumenauer

Mr. Henry Kane
12275 SW 2nd Avenue
PO Box 518
Beaverton, OR 97075

cc: John Woods
Jeff Rogers

CONCERNED CITIZENS FOR PORTLAND

4525 S.E. 63rd Avenue — Portland, Oregon 97206
Phone 775-8718

865
KL



May 28, 1987

MAY 28 1987

Hon. Bud Clark, Mayor
City Hall
Portland, OR 97204

Re: Passage of City Ordinance No. 159639,
May 7, 1987

Dear Mayor Clark:

Concerned Citizens for Portland respectfully requests an audience with the Portland City Council, declaring that a public emergency exists. The constitutional rights of the people of Portland, Oregon, to initiate and complete a referendum against the passage of Ordinance No. 159639, have been seriously violated by the method of its passage by Commissioner Earl Blumenauer.

The ordinance contains very controversial sections offensive to a large cross-section of Portland's population. Commissioner Blumenauer failed to notify the public of the questionable contents of this ordinance. He failed to notify the media of a landmark change in City "law." He even failed to notify all council members of the "addition" of the offensive sections. Most importantly, he failed to keep faith with the people of Portland by not trusting them with knowledge of the intended language change for this important voter-mandated ordinance.

We believe it is incumbent of all elected officials to represent and govern the electorate openly, impartially, and justly. Commissioner Blumenauer's flagrant breach of "representative contract" forces us to bring this to the attention of the Council. His political reputation as well as the Council's is at stake.

We have a solution to the problem which will help all parties involved. Your immediate response will be gratefully received. Thank you.

Concerned for Portland,

Allan Berg

Allan Berg
Concerned Citizens for Portland

cc: Hon. Mike Lindberg
Hon. Dick Bogle
Hon. Earl Blumenauer
Hon. Bob Koch
Wayne Hilliard and Don Hortsch, Oregonian
Mark Sanchez, Channel 6

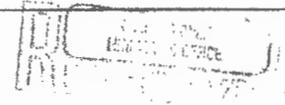


CITY OF

PORTLAND, OREGON

DEPARTMENT OF PUBLIC WORKS

Earl Blumenauer, Commissioner
1220 S.W. 5th, 4th Floor
Portland, OR 97204
(503) 248-5577



May 26, 1987

MAY 28 1987

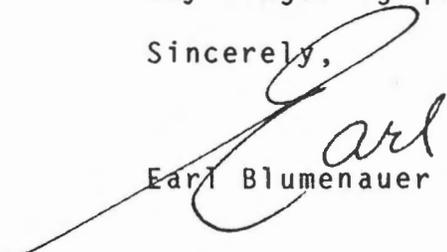
Dear Drew:

I tried to return your phone call this afternoon, but you were out of the office. Your question, as I understand it, is whether I am interested in scheduling another hearing on the personnel ordinance. My answer is no. My reasons are:

- a) The existing policy has been in place since 1974. To the best of my knowledge I have received no complaints about it during my campaign for City Council or in the more than a year since I was elected.
- b) No one on the City Council has expressed any interest in changing the existing policy, so further hearings would not be the most productive use of our time.
- c) The City Council is occupied with major issues that are current and pressing, like budgets and land use issues, as well as day-to-day ongoing business.

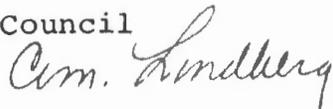
I am sending this letter because I have an exceedingly tight schedule in the next several days and I did not want there to be any lingering questions about my position.

Sincerely,


Earl Blumenauer

Mr. Drew Davis
c/o Tupperware
2136 NE 194th
Portland, OR 97230

cc: City Council



5/29 P.m

Repeal No. Disc. Ord. phoned after
Drew Davis was on radio.

- 1 Bruce Anderson
- 2 Arlene Threwan
- 3 Barry Meyers -
- 4 Douglas Cole
- 5 Karen Potter
- 6 Greg Peters -
- 7 Mr. & Mrs. Johnson.
- 8 Kathy Gorsline
- 9 Michael Karr
- 10 Bob Fitts
- 11 Larry Van Wyngaarden
- 12 Gary Butterfield
- 13 Borgny Rose
- 14 ANON.
- 15 Jane Underhill
- 16 Dan Drinkhill
17. ANON.
18. Barbara Kachel.
19. Bruce McKane
20. Joyce Hoard.
21. JANICE BOGAR
22. MICHAEL PADERLY
23. BRIAN FOLLOCK
24. DAN GEORGE



CITY OF

PORTLAND, OREGON

BUREAU OF PERSONNEL SERVICES

1057

John E. Woods
Personnel Director
1220 S.W. Fifth Ave.
Portland, Oregon 97204
(503) 248-4157

JUN 12 1987

June 11, 1987

TO: ~~X~~ Steve Lowenstein, Commissioner Lindberg's Office

FROM: Melinda Petersen, Personnel Analyst *MP*

SUBJECT: Personnel Rules

Our office has been working with the Personnel Advisory Committee in completion of the new Personnel Rules. The attached Resolution, to be presented next week, comprises the first five chapters of the Rules. These include provisions which need to be in place by July 1.

After a brief hiatus of a couple of weeks, meetings will reconvene with the Committee; we plan to complete the remaining Rules by the end of September.

We will contact you to arrange a meeting for early next week, if possible, to discuss the Rules. Please contact me at the above number if you need additional copies.

0608G/MP:vt

cc: David Judd
Keiston Lowry

2679
KU



7/22

JUL 23 1987

Mrs. Lin Peng -

THANKS FOR
SUPPORTING RIGHTS
OF GAY PEOPLE -

FOR YOUR
COURAGE & FAIRNESS -

I RESPECT YOU
HEARTILY -

FOUND A FINE
LEADER IN THIS
COMMUNITY.

Sincerely
Patrick J.