**LEGISLATURE PROGRAM** (From Page 2)

**Liability Insurance**

Senate Bill 91, if enacted, will authorize departments to provide liability or indemnity insurance in such amounts as necessary, for protection of its members, officers and employees against claims against them when incurred in performance of official duties. (Also see Attorney General Thornton's letter elsewhere in this issue.)

**Legislation Pending**

OSEA will ask to have the amount of withholding for state income tax purposes increased from one percent to a higher amount. The object is to soften the impact at income tax time.

Incorporating civil service in the state constitution is another objective.

Also included in the legislative program is to seek state participation in premium payments for medical insurance.

Payroll deduction for OSEA dues, cash advances for employees who travel and payment for damaged personal property incurred in line of duty, are other items that will be brought to the attention of the legislature.

Legislation is yet to be presented establishing a system whereby employees would be encouraged to suggest methods and procedures that would reduce operating costs in their respective agencies.

Given the incentive of a cash award plus an opportunity to be publicly recognized, many money saving devices probably would be suggested and adopted.

The state does not have an overtime policy that will hold up under pressure. Employees have no recourse under present overtime practices.

Both the state and its employees are losing under the present overtime system or, rather the lack of a uniform system. The state is losing because in many instances there is no control over compensatory time off and employees are losing because many never get to take the time thus earned.

OSEA beieves that an overtime policy, following closely that used in private enterprise, should be adopted by the state. This overtime procedure should be established by law. OSEA plans to introduce such legislation.

**Other Measures**

Of interest to state employees are measures already introduced: SB 36, would authorize payroll deduction for contributions to United Fund; SB 85, would exempt certain employees of the proposed reorganization of the Motor Vehicle Division from Civil Service; SB 87, would exempt certain employees under the proposed reorganization of the Tax Commission from Civil Service; HB 28 would also exempt certain employees in the Forest Products Laboratory from Civil Service.

**SUED** (From Page 1)

Since the state cannot be sued in most instances, persons who are injured or who otherwise suffer damages as a result of the negligent or wrongful acts of state employes are tending more and more to sue the state official or employe in his own private capacity for such negligence. This is becoming of increasing concern to highway commission employes, as well as employes of other agencies which have a great many vehicles and other equipment on the highway or engaged in construction work.

Although a private employer is liable for the acts of his employes, the state, being immune from suit, is not liable for public employes' acts of negligence even though committed in the performance of prescribed duties.

All fair-minded persons will agree that if a state employe is negligent in doing his job and injures another, he should be liable for such act. However, not infrequently employes are made defendants because of their position designation, even though they actually had no direct connection with, or control over, the act done. Under these circumstances the state employe may actually become liable on a money judgment for damages or at least be put to the expense of hiring an attorney to defend himself against a baseless charge.

If the above is not to be considered merely as one of the risks of public employment and if relief is to be provided the state employe, then legislation should be enacted which authorizes state agencies to establish a fund or purchase insurance to cover the damages caused by negligent employes and the Attorney General should be expressly authorized to defend state employes who are wrongfully sued, even though the state has no financial interest in the case.

The Highway Interim Committee in requesting my opinion regarding these problems stated that it was considering proposed legislation relating to a solution to the public employes' fears. Until remedial statutes are enacted, the Attorney General is not permitted to defend the state employe who is sued in his private capacity and the state is not liable for the money judgment that may be rendered against him. Sincerely yours, Robert Y. Thornton, Att. Gen.

## STATE EMPLOYES FORM NEW CHAPTER

State employes in the State Finance Building organized their own chapter of the Oregon State Employes Association.

Included in the chapter, which is Chapter No. 69 and is known as the VAFA chapter are the employees of the state department of veterans affairs and the finance and administration office. Attending the organization meeting were approximately 100 persons.

Officers elected were: president, Bob Elgin; vice president, Wakefield Walker; secretary, Edna Bartruff; and treasurer, Roy Bell.

Oregon State Employees Ass'n., 311 Oregon Bldg., Salem, Ore.
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