

JOYS OF COLOR



Open Book, by Joel Nickel. Nickel is the latest artist to be featured in the hallways of the Keizer Civic Center. The show includes both painted and enameled works, all of which were created during the pandemic. Nickel's work can be viewed during regular Keizer Civic Center hours.

Photo by ERIC A. HOWALD of Keizertimes

A rep to protect

By ERIC A. HOWALD
Of the Keizertimes

A lawsuit involving an anti-fascist group caught up in The Red Scare laid the groundwork for the former Keizer city manager to receive a six-figure severance package.

Since his resignation after discharging a gun in his office, Chris Eppley has been hired by Marion County as a community development manager and appointed the temporary city manager of Detroit. Those moves will save the city money for Eppley's insurance coverage as part of a severance package, but Keizer residents will still be contributing to his salary and benefits through property taxes.

In a previous edition of the *Keizertimes*, the paper examined how due process relates to the property rights of public employees. Since that time, Kathy Peck, Keizer's human resources attorney, responded to a list of questions regarding how Eppley's due process rights were violated with a single statement, "Your questions involve attorney-client privileged matters which I'm not at liberty to discuss. I am, however, able to share that the due process rights which were at issue involve liberty, not property, interest."

The U.S. Supreme Court has determined public employees have a unique privilege when it comes to employment — protection of professional reputation.

While the court has massaged the application of the right of public employees to avoid damage to their reputation,

DISCHARGED

Reverbs of shot at city hall

The court decision that led to a city manager's golden parachute

the foundations are rooted in a court decision involving an anti-fascist group in the 1950s, Joint Anti-Fascist Refugee Committee v. McGrath.

The court determined that the nation's attorney general had damaged the reputations of the members of the anti-fascist committee when he included the group in a list of "subversive" activities. The court expressly affirmed, however, that public employees, such as a city manager, were in a class all their own.

Justice Robert H. Jackson, in a concurring opinion wrote, "To be deprived not only of present government employment but of future opportunity for it certainly is no small injury when government employment so dominates the field of opportunity."

In other words, when the government is the most prevalent employer for certain professions, damage to an individual's reputation deprives them of their ability to enjoy life, liberty and the pursuit of happiness. For the city of Keizer, it meant Eppley might have argued that his reputation was irreversibly damaged when an incident report he authored regarding the discharge of the gun was made public.

In later court cases, the court determined that employees of private

companies have no such protection.

However, pursuing court remedy for damaging Eppley's reputation might not have been as simple as it sounds.

In *Codd v. Velger*, a police officer was hired on a probationary basis with a police department and gave the employer permission to access his personnel file at a previous department. The file included an investigation into an "apparent suicide attempt." No conclusion was reached, but the officer's employment was terminated and he filed suit claiming he had been stigmatized and his reputation damaged.

The U.S. Supreme Court determined the officer's case was unfounded because he never denied the substantial facts purporting the incident had taken place. Claims of stigmatization and reputational damage must be rooted in "some factual dispute between an employer and a discharged employee which has some significant bearing on the employee's reputation."

Given that Eppley authored the incident report that was made public, proving a factual dispute might have been a difficult hurdle to overcome had the Keizer City Council terminated him and a dispute ended up in court.

VOLUNTEERS of the Week

presented by



HERSCH & MARY ANN SANGSTER

Where and how do you volunteer?

"We are both active in Keizer and the Salem Bicycle Club in promoting bicycle safety and cycling. From fitting helmets for our Keizer kids since 1997 to arranging and leading bicycle rides in Keizer, including the Thursday Night Family Bike ride, which is in its 40th year, to this year, coordinating the 45th Monster Cookie with a new start at Keizer Rapids Park on August 29th.

We both have been served on several City Committees. Hersch on Bikeways, Planning Commission and the Budget Committees and Mary Ann on the KARES Program. Mary Ann was McNary's Booster Club's Vice Chair, helped with the McNary Wear sales and was the school's equestrian coach. Mary Ann also volunteered in taking her trained mini-horse and donkey into schools, rehab centers and nursing homes."

Why do you volunteer?

"If you have a passion for something, which we think everyone does, it is best to "Share it!"

What does volunteering do for you?

"Seeing a kid wearing a helmet while bicycling and knowing that you fitted that helmet weeks or months ago or seeing the gentleman sit up in his bed for the first time to see the animals, it is what Mary Ann calls a warm feeling."