

# County Testimony Review Template



Freedom of speech is a core principle of American democracy. County employees often have opinions, some strongly held, relating to legislative activities tied to their profession. However, when the county is silent on a given topic there can be an atmosphere of uncertainty regarding whether it is acceptable for a county employee to testify as a private individual. Concerns about employment retribution cause a stifling effect on such forms of civic engagement.

There are a variety of ways a county can go about reassuring its employees that it is both safe and appropriate to privately testify on matters the county has no official position on. This outlined process was crafted to serve as a guide. It prioritizes encouraging free speech wherever possible while also seeking to clearly outline that such activities must be adapted when they run counter to the county's platform.

The following are the outlined steps for a review process of private testimony to provide reassurance to the employee and the county (as employer):

- 1) County employee creates their written testimony on any given bill.
- 2) County employee sends their testimony to the County Counselor's office for review.
- 3) The County Counselor's office assigns a staff person to review the submitted testimony.
- 4) The submitted testimony is reviewed against the standing county legislative platform.

The course of action varies based off what the review indicates, as follows:

- a. If the county legislative platform has a stance aligned with the employee's written testimony, the employee is given written notification that their testimony agrees with the county's position and they are authorized to submit as a private citizen or county employee. This testimony can be submitted on county letterhead if authorized to do so.
  - i. If the county's policies permit the county employee to testify on behalf of the county, the written notice should also include an invitation to draft a similar testimony that the county can submit as an organization.
- b. If the county legislative platform is silent on the issue the employee wishes to testify on, the employee is given written notification that the county has no position on the issue and they are authorized to submit their testimony as a private citizen. This testimony cannot be submitted on county letterhead.
- c. If the county legislative platform has a stance against the employee's written testimony, the employee is given written notification that their testimony is in direct conflict with the county's position and they are not authorized to submit such testimony indicating that they are affiliated with the county. Their testimony must be only as a private citizen and cannot mention their county position. If testifying in person, they should indicate clearly that they are



testifying only as a private citizen and not on behalf of the county. This testimony cannot be submitted on county letterhead.

- i. This written notice should cite the provision in conflict with the drafted testimony so the employee can confirm where the conflict lies.
- 5) The county personnel manual should be updated to indicate that any instance of termination due to submitting authorized testimony is prohibited and grounds for legal action, to reassure employees that no punitive actions will be taken should they have received prior authorization as outlined above.
- 6) In the case of the designated reviewer in the County Counselor's office submitting private testimony, an alternative employee, or the county commission, should be designated to handle such reviews in the same process as outlined above.

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