

A cheap shot from the city of Portland: Steve Duin column

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By Steve Duin | For The
Oregonian/OregonLive

November 8,
2019

Brenda Scott loved her two jobs with the city of Portland. She spent five years as a records clerk for the Police Bureau in the '70s, then was rehired as a contract compliance specialist in 2003.

She enjoyed great pay and benefits. She especially appreciated that the city was forever promoting equity, and it was her responsibility to ensure just that in city contracts.



So much for the ironic foreshadowing.

Two years ago, Scott discovered the city made a mistake in calculating her benefits when she returned in 2003. It failed to take into account her five years at the Police Bureau when Human Resources set her vacation accrual rate.

In each pay period, as a result, Scott was credited with 90 minutes of vacation time less than she deserved. "Which isn't a lot," she says. "But over 14 years?"

Scott informed her supervisor: "Then I let it go, because nothing moves fast at the city. I forgot about it until I was getting ready to retire."

As she said her farewells in October, Scott asked Human Resources to pay her the 483 hours of vacation time she was owed. At her hourly salary, that totaled \$21,375.

The bean-counters balked. Human Resources didn't deny the error. Instead, Scott was told the bureau had an unwritten policy that set a 6-year statute of limitations on such underpayments. The city would only reimburse Scott for 149 hours of vacation, not 483.

"I figure they owe me \$15,000," she says.

At this point, most people would call a spirited employment lawyer. Dana Sullivan, perhaps. As Sullivan notes, "Oregon law requires that an employer pay an employee all wages accrued and unpaid within a certain period after their separation.

“The penalty is 30 days of wages if they aren’t timely paid. It seems to me Brenda might have a claim for wages due, plus the penalty, plus whatever attorney fees she might incur.”

But Scott didn’t want to sue a city that treated her quite well until the very end. She appealed instead to Margie Sollinger, the city ombudsman, and told her story to Sollinger’s deputy, Tony Green.

Green poked around. He discovered that absolutely nothing in city code, administrative rule or state law prevents Human Resources from paying Scott what she is owed.

He also recalled the lovely parting gifts the city routinely hands out to bureau heads when they get the ax.

Anna Kanwit received \$195,000 when she left Human Resources in 2017. Paul Scarlett snagged \$182,000 when he was cut loose at Development Services.

And Bryant Enge sailed off with \$166,000 in severance pay when the Bureau of Internal Business Services dissolved in March 2018, even though the city didn’t owe him a dime.

“When the city removes its highest earning bureau directors, it gives them tens of thousand in extra pay,” Green says. “Here’s a regular employee asking for what she’s owed, and they turned her down.

“It’s inequitable and unethical.”

It’s also not the way Multnomah County handles such cases. When Jeff Heinrich, the labor-relations manager, was asked how far back the county would go to correct vacation accrual errors, he said, “As far as we needed to. We could go back to the beginning of time.”

To which Green adds, “Council often extols the city as the employer of choice – people want to work for the city because it’s a good place to work. On this issue, the employer of choice is on the other side of the river.”

On this issue, Cathy Bless, the interim director at Human Resources, didn’t respond to two requests for comment.

Back in September, Commissioner Nick Fish asked the Council to authorize a \$4,322 refund in sewer charges to a North Portland property owner who, it turns out, was connected to a cesspool, not the sewer.

The charges dated to 1993. As Fish apologized on behalf of the city, Mayor Ted Wheeler wondered why that kind of sensible billing remedy even needed to come before Council: “I see no reason why this can’t be resolved administratively by the bureau.”

Probably because administrators at other city bureaus aren't concerned about equity and fairness for citizens, much less long-time employees like Brenda Scott.

"It's not like I was a slacker employee. I had incredible evaluations," Scott says. "And it's not my supervisors who are denying me. It's the city, for whom I'm just a name on a piece of paper.

"I'm not going to sue. I'm not. I don't want to get emotional. If nothing happens, that's just the way it is. But it's wrong."

-- Steve Duin

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