



GRIGGS LAW
GROUP PC

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September 5, 2017

VIA US MAIL and EMAIL

Portland Public Schools
Attn: Stephanie Harper, Esq.
General Counsel
501 North Dixon Street
Portland, Oregon 97227
Email: sharper@pps.net

Re: Robin Morrison – Notice of Tort Claim

Dear Ms. Harper:

As you may recall, I represent Ms. Robin Morrison, an employee of PPS. This letter is to provide notice of Ms. Morrison's intent to bring claims for damages relating to the District's failure to accommodate her disabilities and to bring her back to work following her return from a leave of absence ("LOA"). This letter serves as notice of Ms. Morrison's tort claims pursuant to ORS 30.275.

Following is a chronology of pertinent events for this matter. This is not intended to be an exhaustive recitation of relevant facts. Of course, discovery may bear out additional facts.

2014-2015 School Year: Ms. Morrison's last assignment was as Principal of Buckman Elementary for this school year. Near the end of that year, Ms. Morrison had to take [REDACTED] leave due to [REDACTED]

June 5, 2015: I sent the District a letter reporting Ms. Morrison's concerns about the District violating her rights under state and federal [REDACTED] (A copy of that letter is enclosed for your convenience.)

2015-2016 School Year: Ms. Morrison's [REDACTED] leave extended into this school year. The District chose to remove her as Principal of Buckman. Ms. Morrison was [REDACTED] to return to work in December 2015.

January 2016: Ms. Morrison and I met with PPS HR [REDACTED]
[REDACTED] recommended she no longer continue as a school principal and instead return to classroom teaching, a special assignment, or an assistant principal. It was decided that HR would seek suitable positions for Ms. Morrison. HR found a potential position, but, after consulting

with [REDACTED] Ms. Morrison determined it was not suitable due to reasons specific to the position. The placement process continued.

March 2016: Ms. Morrison applied for an LOA for the 16-17 school year. That request was granted in October 2016.

Fall 2016: During her approved LOA, Ms. Morrison took a position teaching in Kuwait. She had intended to stay for the 2016-2017 school year and possibly apply for an additional year.

January 2017: Ms. Morrison applied to extend her LOA by another year.

February 2017: Ms. Morrison experienced [REDACTED] that prevented her from continuing teaching in Kuwait until [REDACTED] which she learned could take several weeks or months. After spending a few weeks not working and waiting for [REDACTED] so she could return to the classroom, it became clear that [REDACTED] would not happen quickly enough. Therefore, Ms. Morrison had to leave that position in Kuwait early and return to Portland.

March 6, 2017: Ms. Morrison emailed Jodie Benson (HR) and retracted her request for the LOA for the 17-18 school year. Ms. Benson responded on March 7 that she would have Damien Semprevivo process her return.

March 21, 2017: Ms. Morrison checked in again with Ms. Benson who responded she had forwarded that email to Mr. Semprevivo. Ms. Morrison received no response from Mr. Semprevivo.

April 25, 2017: Ms. Morrison contacted Mr. Semprevivo, asking for an update about her assignment for the following year. (She received no response until nearly a month later).

May 1, 2017: Ms. Morrison, having not heard from Mr. Semprevivo, emailed Sean Murray, Chief HR Officer, seeking information on the return process. Mr. Murray responded on May 2 saying that she would have to go through the external hiring process and had no bumping rights into a PAT position. This was the first Ms. Morrison had ever heard of that and contrary to what she had been told when she went on the LOA for 16-17.

May 23, 2017: Damien Semprevivo emailed Ms. Morrison in response to her April 25 email indicating he had no information yet, but hoped to have an update soon. Ms. Morrison received no response to that email.

June 6, 2017: I sent the District (through Ms. Harper) a letter reporting Ms. Morrison's concerns. (A copy of that letter is enclosed for your convenience.) Having not received a response, I sent an email on June 27, 2017 to Ms. Harper.

June 27, 2017: Ms. Harper responded to my email indicating either she or Naomi Haslett of the Miller Nash firm would follow up.

July 7, 2017: I sent another email to Ms. Harper and copied Ms. Haslitt seeking information. Ms. Haslitt emailed me back and we set up a time to speak and did so. From that conversation, I understood that HR would be working with Ms. Morrison regarding jobs.

July 20, 2017: Ms. Morrison received a memo from the District regarding the "Licensed Administrator Salary Schedule" for the upcoming school year.

July 27, 2017: Ms. Morrison engages in email correspondence with Loretta Benjamin-Samuels and Damien Semprevivo regarding job openings. They told her she had to apply as a new employee. There was no mention of the [REDACTED] process for non-teaching jobs.

Ms. Morrison did not get hired for any of the positions for which she applied. Also, she has received no information from the District regarding non-teaching positions, which were the subject of the discussions regarding [REDACTED]

As I discussed in my June 2, 2017 letter, Ms. Morrison should have been placed in a position that is consistent with [REDACTED]. She is well suited for teaching, as well as various TOSA functions, assistant principalships, and administrative functions that are not a permanent school principalship. She would, for example, be able to serve as a fill-in principal, and many other functions. We understand that the District may have had as many as fifty (50) new hires into administrative positions this school year. One of those positions likely would have been suitable for Ms. Morrison.

We are also aware of other instances of principals coming off LOAs and being placed into teaching positions in the past. We are also aware of other principals who have been [REDACTED] by the District. Ms. Morrison should have had a job by now, as the school year has begun. The District has refused to continue the [REDACTED] process.

We are concerned that Ms. Morrison is being discriminated or retaliated against due to [REDACTED] and/or due to her previously expressed concerns about violations of law. At a minimum, she is entitled to the [REDACTED] process and [REDACTED] and corresponding state law.

Furthermore, Ms. Morrison is back from her LOA, yet she has not received any pay for July and August of this year. She should be back on payroll and should have received pay for July and August.

Ms. Morrison is entitled to be placed back into work in a suitable position and to be paid her salary for July, August, and September, and going forward.

If the District refuses to remedy this matter at the earliest opportunity, Ms. Morrison will bring claims for damages under state and federal [REDACTED] laws, and any other applicable laws. Her damages include lost wages and benefits, as well as non-economic damages for emotional distress and loss of reputation. She may also suffer damages related to efforts to obtain other employment. Further, she will be entitled to attorneys' fees and costs of litigation, should that become necessary.

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To avoid legal action, please have the District's counsel contact me by no later than September 19, 2017. Thank you for your attention to this matter.

Sincerely,
Griggs Law Group P.C.



David H. Griggs

DHG/dhg
cc: client
enc



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June 5, 2015

VIA US MAIL and EMAIL

General Counsel
Attn: Jollee Patterson Esq.
Portland Public Schools
501 North Dixon Street
Portland, Oregon 97227
Email: jpatters@pps.net

Re: **Robin Morrison - Principal, Buckman Elementary**

Dear Counsel:

I represent Ms. Robin Morrison, who is currently the Principal of Buckman Elementary in the PPS district. I am writing to request a copy of her employment records and express that I have concerns about unlawful employment actions with regard to Ms. Morrison. Ms. Morrison is currently on a [REDACTED] leave of absence. She recently received communication that her current leave is approved through June 15.

I am concerned about adverse action to which Ms. Morrison has been subjected. Ms. Morrison has been [REDACTED]

[REDACTED] sought [REDACTED] a leave of twelve weeks. However, her supervisor, Mr. Larry Dashiell, pushed back and told her that was too long because she had to complete evaluations. Ms. Morrison requested additional time to complete the evaluations, but Mr. Dashiell refused it, he told her it was "not negotiable." Reluctantly, [REDACTED] but because she felt threatened by Mr. Dashiell, she took a shorter leave. She was approved for leave from March 17 through April 21, 2015 and took that leave (Spring Break took place during that time [REDACTED])

Ms. Morrison was preparing to return on April 22 as required, but Mr. Dashiell called and told her to stay out that day and to come in on April 23. When Ms. Morrison reported for work on April 23, as soon as she arrived, Mr. Dashiell met with her. He did not inquire regarding her [REDACTED] Rather, he gave her a letter that was "effective immediately" placing her "on [REDACTED] leave of absence, pending the outcome of a personnel investigation based on numerous parent complaints and concerns about attendance and the reporting of absences." It is clear from Mr. Dashiell's verbal and written statements that he was displeased with Ms. Morrison's [REDACTED] After that meeting, Ms. Morrison went to see her [REDACTED]



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June 6, 2017

VIA US MAIL and EMAIL

Portland Public Schools
Attn: Stephanie Harper, Esq.
General Counsel
501 North Dixon Street
Portland, Oregon 97227
Email: sharper@pps.net

Re: Robin Morrison – Return to Work

Dear Ms. Harper:

I represent Ms. Robin Morrison, an employee of PPS, who is returning from a leave of absence (“LOA”) for the 2016-17 school year. Unfortunately, that process has stalled and Ms. Morrison is therefore concerned about her placement for the next school year. She is counting on the job and looking forward to returning to the classroom. We understand that there are changes in the human resources department and want to make sure this does not slip through any cracks. Ms. Morrison is seeking clarification of her assignment as soon as possible.

Following is a brief chronology of pertinent events for this matter.

Ms. Morrison’s last assignment was as Principal of Buckman Elementary (14-15 School Year). Near the end of that year, Ms. Morrison had to take [REDACTED] leave due to [REDACTED] and that leave extended into the following Fall. She was [REDACTED] to return to work in December 2015. A meeting was scheduled for January with Human Resources (HR).

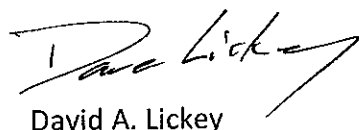
January 2016: Ms. Morrison met with PPS HR as part of the [REDACTED]. Ms. Morrison’s [REDACTED] recommended she no longer continue as a school principal and instead return to classroom teaching or a special assignment. It was decided that HR would seek suitable positions for Ms. Morrison. HR found a potential position, but, after consulting with [REDACTED] Ms. Morrison determined it was not suitable due to reasons specific to the position. The placement process continued.

March 2016: Ms. Morrison applied for an LOA for the 2016-2017 school year. That request was granted in an October 2016 letter.

Portland Public Schools' conduct of publicly denouncing me, issuing a letter of reprimand and insisting on maintaining the rescinded discipline in my file, violates my free speech rights protected by the Oregon and federal constitutions and constitutes defamation, slander, negligence and tortious interference with contractual relations. As such, this tort claim notice places the District on notice that I intend to file a civil action for economic and non-economic damages for claims supported by the above facts under state and federal law and other related statutes and common law claims.

At your earliest convenience, please acknowledge receipt of this notice.

Sincerely,

A handwritten signature in black ink that reads "David A. Lickey". The signature is written in a cursive style with a long, sweeping underline.

David A. Lickey