

GENERAL LIABILITY

CLAIM AGAINST THE CITY OF PORTLAND

* for damages to persons or property *

2025000810EL

File Number: _____



A claim must be filed with City of Portland Risk Management within 180 days after the occurrence of the incident or event.

Normal business hours: Monday through Friday, 8:00am to 5:00pm. Closed on official holidays.

Claims received during regular business hours will be recorded on the date received.

Faxed or emailed claims received after business hours will be recorded on the next working day.

Please be sure your claim is against the City of Portland, not another public entity.

Where space is insufficient, please use additional paper and identify information by section number and letter.

Completed forms may be mailed, emailed, faxed, or hand-delivered to:

Risk Management/Liability, 1120 S.W. 5th Ave., Suite 1040, Portland, OR 97204-1912, Ph: 503-823-5101,

Fax: 503-823-6120 LiabilityClaims@portlandoregon.gov

1. Claimant (Circle: Mr Mrs. Ms. Miss) Sherree Matias Date of Birth [REDACTED]

a. Address [REDACTED] City [REDACTED] State OR Zip [REDACTED]

b. Home Phone _____ Business Telephone _____ Cell Phone [REDACTED]

c. Occupation Administrative Specialist II d. Marital Status: Single () Married Divorced or Widowed ()

If married, name of spouse Anthony Matias

d. E-mail address [REDACTED]

2. If claim involves a vehicle: a. Year, make and model _____

b. License Plate Number _____ Driver's License Number _____ State _____

c. At time of accident, were you (check all that apply) Owner: _____ Driver _____ Passenger _____ N/A _____

d. Name and address of owner if different from claimant (1. Above) _____

3. Occurrence or event from which the claim arises:

a. Date November 21, 2024 Time 12:58 Circle AM / PM

b. Place (exact and specific location) Revenue Division - 111 SW Columbia, Ste 600 Portland, Oregon 97201 - via email sent to entire Revenue Bureau

c. Specify the particular occurrence, event, act, or omission by the City that you believe caused the injury or damage (use additional paper if necessary): Exclusion from LAS replacement project; denial of SME Selection despite previous experience on last project and 30+ years experience working with LAS system ->

d. State how the City of Portland or its employees were at fault: please see 7 page document. please see additional 7 page document

e. Were you on the job at the time of the accident? Yes No _____ - working remote _____

If yes, what is the name / phone number of employer City of Portland Revenue Division (503) 823-5157

4. Description: Describe the injury, City of Portland damage or loss known at the time of this claim. _____

please see 7 page document attached to this claim

5. *We are required to report all claims for injuries to Medicare/Medicaid Services*

If you were injured please provide the following: Social Security #: Physical health conditions worsened by work-related stress
Medicare/Medicaid Beneficiary? Yes ___ No X SSN available upon request for processing

6. Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury _____

Please see 7 page document attached to this claim

7. Name and address of any other person injured _____

None

8. Name and address of the owner of any damaged property if different from claimant _____

N/A

9. Damages claimed:

- a. Amount claimed as of this date:
- b. Estimated amount of future costs:
- c. Total amount claimed:

[Redacted], exacerbation of pre existing medical conditions, and related professional and financial impacts. Claimant reserves the right to supplement this claim with detailed damages as needed.

d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.) Based on ongoing therapy and medical costs, out of class work performed for 7+ years without compensation, lost advancement opportunities and the toll of a hostile work environment on health and earning capacity.

10. Names, addresses / phone #s of all witnesses Multiple internal witnesses exist, including

current Revenue Division Staff who have observed retaliation, micro-management, and disparate treatment. Full contact information can be provided upon request to protect witness confidentiality at

11. Any additional information that might be helpful in considering your claim _____

please see attached tort claim narrative for detailed factual background, legal basis and damages. Supporting documentation available upon request. This stage

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (ORS 162.085)

I have carefully read the statements made in this claim, including any attached sheets, and I know them to be true of my own knowledge, except as to those matters stated upon information or belief and to such matters I believe the same to be true. I understand and acknowledge that all statements made in this claim are made to a public servant of the City of Portland, and that the statements are in connection with an application for a benefit from the City of Portland.

Date: 5/19/25

Sherree Matias
Claimant's Signature

Sherree Matias
Print Name

TORT CLAIM NOTICE

Claimant: Sherree Matias

Agency Involved: City of Portland – Revenue Division, Human Resources

Date of Filing: May 19, 2025

Primary Individuals Involved:

- Sharon Nickleberry Rogers (Liens Section Supervisor, Financial Analyst III)
 - Jake Schnur (Interim Audit and Accounting Manager, Manager II)
 - Garrett Benson (HR Business Partner, HR Generalist)
 - Celita Holt (Interim Audit and Accounting Manager, Manager II)
 - Scott Karter (Audit and Accounting Manager, Manager II)
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I. INTRODUCTION

This notice is filed pursuant to the Oregon Tort Claims Act (ORS 30.275), and formally asserts a claim against the City of Portland for violations stemming from discriminatory treatment, exclusion from work opportunities and advancement, uncompensated labor, ADA interference, workplace retaliation, negligent handling of HR complaints and creation of a hostile work environment resulting in significant professional, financial and emotional harm.

II. FACTUAL BASIS OF THE CLAIM

A. Exclusion from LAS Replacement Project (November 2024–March 2025)

- On **November 21, 2024**, selections for the LAS Database Replacement Project were announced via email without consultation or notice to the claimant, despite her 30+ years of relevant experience and prior involvement in the last LAS replacement project. The selected individuals received promotions starting December 2, 2024.
- The claimant was not considered for a Subject Matter Expert (SME) role, though she was repeatedly referred to by her supervisor as an "expert" in the field during numerous check-in meetings and emails dated **5/11/21** and **8/24/24**.
- Other employees with significantly less experience were selected without a transparent or competitive process. These employees were promoted to Analyst II or III. One employee moved from an RTS II to an Analyst II which was a pay increase of at least 6 pay scales.

B. Forced Knowledge Transfer Without Compensation (January–March 2025)

- In **January 2025**, the claimant was directed to provide extensive documentation (process descriptions and files) related to her lien assessment duties to support the training of LAS replacement project SMEs, however the SMEs selected were already experts in the field.
- These requests were made via email, and one was labeled high priority, though the claimant was not made part of the LAS project SME team or given formal recognition or compensation.
- This forced transfer of knowledge occurred without precedent and was not equally requested of other staff.

C. Expansion of Duties Without Support or Recognition

- On **February 5, 2025**, the claimant's supervisor acknowledged her SME-level knowledge in her current job but stated she was not selected for the LAS project SME team.

- Despite this, she was expected to meet with project staff and provide detailed documentation, creating a significant impact on her ability to perform core duties.

D. Testing Assignment and ADA Interference (March 2025)

- On **March 11, 2025**, the claimant was informed she would be solely responsible for a 10-week testing period for the LAS replacement system beginning in July, despite being excluded from earlier design phases.
- This assignment conflicted with her existing ADA accommodations and excessive workload. No additional information, support or compensation was provided.

E. Misuse of City Resources and Hostile Work Environment (March 19, 2025)

- The supervisor's plan to backfill the claimant's duties with an inadequately trained employee during her testing assignment and vacation was deemed inefficient and a misuse of city resources.
- A prior precedent existed (during the last LAS replacement project of 2013) where workload reduction was used effectively, but her professional recommendations were ignored.

F. Delayed and Inadequate HR and Upper Management Responses to Complaints (December 2024–April 2025)

- From **December 2024** onward, the claimant raised multiple concerns to HR. Delays stretched over **two months** with no substantive response.
- Meetings were scheduled, then canceled; formal complaints were deflected back to the claimant's supervisor's management.
- Despite multiple documented requests by the claimant for reassignment to a neutral supervisor due to ongoing harassment and retaliation, HR and upper management either denied or failed to act on this reasonable accommodation. Additionally, two further requests were submitted by a CPPA union representative on the claimant's behalf. In **mid-April 2025**, an interim supervisor was assigned to the claimant, with plans to participate in future check-in meetings; however, these meetings have not yet occurred, and this arrangement does not fulfill the accommodation repeatedly requested to protect the claimant from further harm.

HR has initiated a full investigation based on the claimant's documented timeline of events; however, this investigation took over **3.5 years** to commence.

Considering the ongoing issues and the claimant's request for protection from further retaliation, psychological harm, and emotional distress, the claimant now formally requests immediate reassignment to a neutral supervisor to prevent further harm and ensure a fair and safe working environment.

G. Restricted Recruitment and Exclusion from Advancement (May 2025)

- In **May 2025**, a limited competitive recruitment for the vacant LAS Project Manager was announced, restricted only to classifications that excluded the claimant (Administrative Specialist II), despite her project experience.
- This recruitment process lacked transparency and denied the claimant an equal opportunity to apply. The claimant wanted to apply; however, the recruitment prevented her from doing so.

H. Patterned Misconduct and Management Failure

- The supervisor in question was previously reassigned following a two-year pattern of misconduct toward a prior employee with an accommodation that was investigated. The City's failure to

address this conduct resulted in her return to a supervisory role where she has repeated similar behaviors toward the claimant and others.

- At present, most of her direct reports have expressed concerns about inappropriate conduct, inconsistent leadership, or retaliatory behavior. The City's failure to act has enabled the continuation of a hostile work environment, despite multiple red flags.

I. Retaliation, Mishandling of Sensitive Investigations, and Improper Cross Training Orders (April – May 2025)

- On or around **April 16, 2025**, the claimant met with newly assigned Interim Manager Celita Holt to raise ongoing concerns about Supervisor Sharon Nickleberry Rogers, including issues previously escalated through HR channels. During this meeting, Celita inquired whether Sharon had been notified of an upcoming HR investigation she was made aware of earlier. The claimant responded that, to her knowledge, such notification should not occur until after the investigation formally commenced. This would preserve neutrality and avoid potential interference.
- Nevertheless, on **April 24, 2025**, Celita confirmed via email that she had informed Sharon of the impending investigation and instructed her to contact the claimant only if necessary. This premature disclosure represented a breach of investigatory protocol, which potentially compromised the impartiality of the process and exposed the claimant to retaliatory treatment. Following this disclosure, the claimant observed marked changes in Sharon's behavior, including hostile tone shifts, increased micromanagement, and heightened scrutiny during team interactions and written communications, all of which created an atmosphere of intimidation and retaliation.
- On **May 14, 2025**, during a team meeting, Sharon instructed the claimant to cross-train the Foreclosure Prevention Manager, in lien assessment duties. This directive directly contradicted longstanding legal guidance from the City Attorney's Office, specifically an opinion provided by Dan Simon (2023), which confirmed that such cross-training would constitute a conflict of interest due to the fact the foreclosure manager should be independent and therefore, not process city lien assessments.
- When the claimant raised this conflict during the team meeting, Sharon abruptly redirected the discussion into a private exchange, breaking from the open format used for other questions and singling out the claimant in a manner that felt isolating and retaliatory—particularly as the original concern was introduced by another employee. The unequal treatment further signaled an intent to suppress valid concerns and marginalize the claimant.
- Following the meeting, the claimant submitted a formal written objection to both Celita Holt and HR representative Garrett Benson, citing:
 - The documented legal conflict of interest and associated compliance risks
 - Coercive attempts to assign duties outside the claimant's scope of responsibility
 - Sharon's repeated disregard for internal controls and legal guidance
 - A coercive statement made by Sharon during the meeting to all participants, indicating that cross-training would happen "voluntarily or she would step in and schedule it," creating a fear-based and pressured environment
- In response, Celita relayed that internal legal counsel (City Attorney Marc Rodriguez) had reviewed the matter (April 2025) and concluded that the conflict was not material. However, this determination ignored established internal controls, as well as the claimant's specialized knowledge and ethical concerns regarding segregation of duties and system integrity.
- Notably, the Lien Accounting System (LAS) is governed by security-based roles designed to safeguard against conflicts and unauthorized system changes. Historically, the only designated backup for lien assessment functions is the Financial Analyst III / LAS Administrator—a role currently held by Sharon Nickleberry Rogers herself. Sharon has been given all necessary training materials and has access to the LAS testing database explicitly provided for training and testing purposes. Therefore, the directive to train another employee with conflicting job duties is

not only unnecessary but violates longstanding role-based safeguards, potentially putting the City at legal and operational risk.

- The claimant asserts that this pattern of behavior, including forced role violations, public marginalization, disregard for legal advisories, and sudden shifts in managerial tone following HR and/or upper management engagement, reflects a broader campaign of retaliation for protected activity under applicable labor and whistleblower protections.
- Additionally, these actions may constitute ADA interference, as the stressful and unpredictable work environment undermines the claimant's psychological safety and exacerbates existing, disclosed medical conditions. The pressure to comply with ethically problematic directives and the dismissal of the claimant's subject matter expertise contribute to a hostile work environment and hinder the claimant's ability to safely perform her job.
- The claimant raised these objections to safeguard legal and operational integrity and prevent misconduct.

J. Historical Pattern of Disregard and Inequity (Contextual Background):

While the claimant understands that some incidents fall outside the 180-day legal window, they offer essential context to a long-standing pattern of inequity and disregard that continues to the present. In **late 2012 or early 2013**, while holding the position of Customer Account Specialist II in the Revenue Liens Section, the claimant requested an upgrade to level III for both her and a coworker due to the exceptionally high workload. The supervisor at the time, Janice Hammond-Getten, acknowledged the request in a check-in meeting, yet no follow-up occurred. After the claimant accepted an Administrative Specialist II position in the Auditor's Office the following year, she learned that both positions had been upgraded to Revenue Tax Specialist II, with higher pay, just months after her departure.

Years later, after the AFF Section merged with the Liens Section, the claimant pursued reclassification based on years of out-of-class duties. Former supervisor Seth Kabala supported the request, confirming the claimant was working at an Analyst II or III level, but after his departure, the reclassification was delayed and submitted incorrectly by the new supervisor. HR ultimately denied the reclassification in 2022 due to the flawed submission. Most recently, the claimant was excluded from the LAS SME role, despite being the most qualified in managing certain key system functions.

The following incidents also fall outside the 180-day legal window, but they are part of a broader, ongoing pattern of retaliation, privacy violations, and harassment that continues to this day and were reported to HR and/or upper management:

- On **April 17, 2024**, the claimant was recorded without her consent during an in-office check-in meeting with her supervisor titled "work prioritize." The recording included confidential health and ADA information, which was later uploaded to a shared work drive by her supervisor.
- Around the same time, the claimant's supervisor threatened to come to her home to retrieve files she couldn't carry due to ADA-related lifting restrictions. HR later confirmed this was not permitted.
- In **June 2024**, the claimant received negative comments in her performance review from her supervisor, including criticism for delays in sidewalk-related work and for not completing a treasury assignment. However, the claimant had been instructed by management to delay the sidewalk work—a decision acknowledged by HR and confirmed in a joint meeting with PBOT, where it was stated that no one individual was at fault for the delay. Despite this, the supervisor cited it as a performance issue.

The treasury assignment was not part of the claimant's regular duties, was assigned after her ADA accommodation had been approved, and required more in-person presence than her accommodation allowed. During this time, the claimant experienced frequent illness and was made to feel guilty for needing time off. She also asked her supervisor for help completing the in-person aspects of the treasury work, but was told she "needed to get it done," despite her limitations. This incident was reported to HR.

The timing and nature of the negative performance review—particularly in light of previous complaints to HR and upper management—demonstrate a pattern of retaliation and lack of reasonable support or accommodation for the claimant’s documented medical needs.

- In **October 2024**, , the claimant was publicly and falsely accused via email—identified by her full name—for an action she did not commit. This accusation was sent to six internal colleagues and two attorneys, causing serious reputational harm and emotional distress. Following the email, an HR intake interview was conducted, but the matter was referred to upper management and remains unresolved.

The second meeting following the email was especially damaging, during which the claimant was severely berated in front of others. Despite numerous efforts to provide clarifying information and defend herself, the claimant’s explanations were repeatedly dismissed by her supervisor.

This incident occurred shortly after the claimant’s ADA accommodation had been approved. While no direct link has been formally established, the proximity in timing raises concern regarding a potential pattern of adverse treatment. The false and public nature of the accusation, combined with the hostile conduct in the aftermath, caused significant emotional distress and severely impacted the claimant’s health and ability to perform her work. The cumulative effect of this treatment constitutes defamation of character and intentional infliction of emotional distress.

- Between **May and December 2024**, a coworker overheard multiple negative remarks made about the claimant by her supervisor.

These cumulative events—alongside more recent acts of exclusion, retaliation, and mismanagement—demonstrate a long-standing pattern of undervaluing the claimant’s expertise, obstructing professional advancement, failing to correct structural inequities, support the ongoing pattern of unequal treatment and have contributed to both professional harm and emotional distress that underlies this claim.

III. LEGAL BASIS FOR CLAIM

This claim is grounded in the following legal and policy violations:

- Uncompensated labor/out-of-class work
- Exclusion from advancement based on non-merit factors
- Failure to accommodate under ADA
- Retaliation for asserting protected concerns
- Creation of a hostile work environment
- Negligent handling of grievances and accommodation requests by both HR and upper management

IV. DAMAGES SUFFERED

The claimant has experienced the following as a result of the aforementioned actions:

- Emotional, psychological and mental distress
- Worsening of chronic medical conditions due to unmanaged workplace stress
- Professional harm and loss of advancement
- Uncompensated work for Analyst II/III/Financial Analyst III duties over a period of 11 + years, including:

- Lien assessment analysis and coordination as Assessment Coordinator for over 11 years
 - LID lien assessment manager duties for over 7 years (formerly done by male Financial Analyst III)
 - LAS database expertise
 - SME-level contributions without official title or pay/denial of advancement opportunities
 - Loss of wages due to denial of compensation
 - Increased workload and stress without accommodation
-

V. RELIEF REQUESTED

- Formal review of the LAS SME selection and testing assignments
 - Reassignment away from retaliatory supervision
 - Retroactive reclassification and compensation equivalent to the Analyst III, with back pay covering 7 + years of out of class work tied to the LID Lien Assessment Manager role.
 - Compensation for SME-level duties tied to the LAS Replacement Project denial
 - Damages suffered for emotional distress and health-related impacts
 - Review and correction of policies regarding ADA accommodations and internal recruitment
 - Preventive action to ensure equitable project assignments and classification recognition
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VI. Supporting Documentation and Corroborating Evidence:

The claimant has multiple health conditions that have worsened due to workplace stress. Although she is eligible for FMLA and has used some leave, she has hesitated to take additional time off due to concerns about interference raised during a 2/5/25 FMLA meeting with her supervisor and previous delays in her approving ESS FMLA time requests. The claimant has been in therapy since July 2024 as a result of the emotional and psychological toll of the work environment and experiences ongoing fear about returning to work each day due to its hostile nature.

Supporting evidence—including calendar records, union communications, email correspondence, meeting recordings, witness accounts, HR documentation, and medical records—is available and substantiates the harmful impact of the work environment on the claimant's health.

The claimant reserves the right to submit this evidence in full during legal proceedings.

VII. RESERVATION OF RIGHTS

The claimant has received a Right to Sue notice from the U.S. Equal Employment Opportunity Commission (EEOC) regarding claims of disability discrimination and retaliation arising from events occurring between January 18, 2024, and January 27, 2025.

This tort claim notice addresses overlapping and ongoing conduct and is submitted to preserve the claimant's rights under Oregon law. The claimant expressly reserves the right to pursue additional legal remedies in federal court under the Americans with Disabilities Act (ADA) and other applicable federal or state laws.

This notice is not intended to be a comprehensive statement of all potential claims or evidence, and the claimant reserves all rights accordingly.

This claim also serves as notice to the City of Portland that the conduct described herein may give rise to further claims under state whistleblower protection statutes and federal equal employment laws, including but not limited to Title VII of the Civil Rights Act.

VIII. PATTERN OF DISPARATE TREATMENT AND COMPARATOR EVIDENCE

The claimant has been consistently subjected to disparate treatment in comparison to similarly situated employees, including:

- **Project and Advancement Opportunities:** A less experienced and lower-performing peer was selected for a high-profile role (e.g., LAS SME -Analyst series role) through restricted or opaque processes, while the claimant was bypassed despite her recognized expertise and tenure.
- **Workload and Accommodation Enforcement:** The claimant's ADA accommodation/FMLA requests were met with additional scrutiny, micromanagement, and reduction in collaborative support, whereas other employees with comparable or fewer needs were granted flexibility without similar retaliation or oversight.
- **Task Documentation Requirements:** The claimant was uniquely required to document and submit detailed task lists and calendar schedules not imposed on colleagues, even when she was working within capacity and meeting deadlines.
- **Compensation and Title Recognition:** Despite performing Analyst-level duties for over seven years, the claimant received neither reclassification nor temporary out-of-class pay, unlike others who received compensation adjustments for significantly shorter stints of similar work.

This comparator evidence supports claims of disparate treatment and may be used to demonstrate pretext in any defense offered by the city. When paired with the City's awareness of the claimant's disability status and protected activity, it provides further evidence of retaliation, discrimination, and administrative negligence. These actions have resulted in measurable professional harm, including loss of advancement and recognition, as well as emotional and psychological distress that continues to affect the claimant's well-being.